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GUIDE

TO THE RECORDS RELATING TO FREEDOM MOVEMENT IN DEHRADUN (1930-1943)

by

M.I. SIDDIQUI

U.P. State Archives
B-44, Mahanagar Extension
LUCKNOW

1994

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FOREWORD

It is almost half a century now, since we achieved freedom from the British rule. During all these years a number of books have been published bringing out the trials and tribulations of the years preceding independence. We have come to know a lot about the then national leaders, as well as about the second line of leaders, through such books. But the courage, determination and sacrifice of the lesser known and common people is to be known only through the original documents. These invaluable documents are stored and preserved in our archives.

It gives me great pleasure that the U.P. State Archives, Lucknow is bringing out "A Guide To The Records Relating to Freedom Movement in Dehra Dun" which has been prepared by Sri M.I. Siddiqui, Technical Assistant (History) of the U.P. State Archives, Lucknow. The tables prepared by him and the deciphering of the original judgments must have really been an arduous task for which professional expertise and long experience are necessary. Sri Siddiqui's efforts are commendable and I am confident that the book will be of great utility to the research scholars interested in the history of our Freedom Struggle. The book will, I hope, be received in the political and official circles with applause.

U.P. State Archives,
Lucknow
5th July, 1994

ANITA MISHRA,
Director.

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advised the released Satyagrahis not to commit it again unless given clear instructions. The worsening war situation and the failure of the Cripp's Mission in April, 1942 led Gandhi to think that this was the most appropriate time for the orderly withdrawal of the British from India. A resolution was passed at Wardha on 14th July, 1942 to launch the "QUIT INDIA" Movement. Gandhi said in a statement. "There is no room left in the proposal for withdrawal or negotiation. There is no question of one more chance. After all it is an open rebellion......... We shall do or die, we shall either free India or die in the attempt". On 8th August, 1942 Gandhi gave a call for a Indiawide Movement on Non violent lines because need of the hour was the immediate ending of the British rule in India both for the sake of India and for the success of the United Nations.........." On 9th August Gandhi was arrested alongwith all the members of the Congress Working Committee. Defence of India forfeited.

The Movement, without capable leadership, took violent turn at many places. The main targets of the agitators were means of communications and Government buildings. Strike, processions, meetings, hartals and demonstrations marked the first phase for four or five days. Then in the second phase Government buildings like municpalities, railway stations, post offices and police stations were burnt, means of communications were disrupted. Troops had to be called in to control and terrorise people by firing. In the third phase in September, 1942 the people resorted to bomb throwing on Police. The Government resorted to air bombing and firing at many places. The next phase was mild like the first but it continued till 6th May, 1944 when Gandhi was released and in this phase processions were taken out on the 9th day of every month to commemorate the date of arrest of Gandhi. Indepenence Day was also observed by taking out processions. The Movement, though very widely spread could not achieve the required results. The reason was firstly that the Government was physically superior in stength and secondly that though the mill workers responded enmasse, the Government servants, the military and the police and businessmen and State Rulers remained loyal to the core.

The arrested leaders could be released from Jail only in July, 1945 and all the deliberations were afterwards centred round India's Independence, Muslim League, Pakistan and partition etc. Mention must be made here of a Naval mutiny which took place on 19th February 1946 at Bombay where some personnel of the Royal Indian Navy mutineed against their British officers for their racial discrimination and derogatory remarks on their National Character. The cadets roamed in the city of Bombay on trucks having Communist, Congress and League flags. Within three days they had the control of at least 20 ships with mounted guns and ammunitions. The strike spread to the ports of Karachi, Calcutta and Madras as well. In the upsurge about 200 persons were killed and at least 1000 injured. It was only on the persuasion of Vallabh Bhai Patel that the mutineers surrendered on 23rd February, 1946. On 16th May 1946 the Cabinet Mission made certain proposals which, in the main, did not concede League's demand for Pakistan and so it was rejected by them but the Congress accepted it and Lord Wavell invited. Pt. Jawahar Lal Nehru on 12th August, 1946 to form the interim Government. The Interim Government assumed office on 2nd September, 1946.

Indian Indepence Act, 1947 passed by the British Parliament provided for the division of India into Pakistan and India and granted India's freedom from 15th August 1947.

After a period of more than 60 years of toil and suffering the Congress achieved Independece through the most harmless but most effective weapon of Non-violence.

On 26 January, 1950 India became a Sovereign Democratic Republic with a constituton of its own.

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FREEDOM MOVEMENT AT DEHRADUN

The Regional archives Dehradun has in its possession some 300 files relating to Freedom Movement in Dehradun. These files cover the period from 20th April, 1930 to 20th May, 1944 and belong to the Judicial Criminal Series of the Records of the Dehradun Collectorate. Each file is a complete trial proceeding in the court of a Sub-Divisional Magistrate or a Magistrate Ist class.

As to the nature of the proceedings it is revealed from the perusal of the records that the police arrested the offenders and sent them straight to Jail, Afterwards a challan was prepared showing as many offences as could possibly be framed to have been committed by the arrested person. During a particular phase of the Movement the language of the challan or charges made are, in most of the case, monotonous. The trials were held inside the jail. In the begining of the Civil Disobedience Movement the cases were tried summarily but later on all the court procedures were adopted for an outward show. But there is not a single acquittal. In the beginning of the Movement no Defence Witnesses were called nor the accused heard. The statements of the accused were termed as "IRRELEVANT LONG STATEMENT". The statement of the prosecution witnesses were never believed and so the accused stopped taking part in the court proceedings and refused to produce any defence. The Judgements are in detail and spread over a little less than 600 pages in which about 400 persons had been convicted including men, women and juveniles. The Judgements were sent to the Magistrate for his approval and instructions for future guidance. The Magistrate gave instructions to the Jail personnel and advised the SDM's to be more severe in awarding the Sentence. The appeals against the Judgements were preferred in the court of the Sessions Judge at Saharnpur.

The files are related to the three Mass Movements *viz.* Civil Disobedience (1930-32), Individual Civil Disobedience (1940-41) and Quit India (1942-43). The punishments inflicted vary from 5 stripes to 15, from a fine of Rs. 10/- to Rs. 1000/- from a simple inprisonmet of 1 day to a Rigorous Imprisonment of 2 years together with the fines in default of payment of which further simple or Rigorous Imprisonments of from 1 week to 1 year.

CIVIL DISOBEDIENCE MOVEMENT

As stated earlier the Civil Disobedience Movement started on 6th April, 1930. The people of Dehradun responded to the call of Mahatma Gandhi and plunged headlong in the Movement with all their might in a Non-violent way. The first case that comes to the notice on the basis of the original records is that of a party of Hulas Verma, Pt. Narain Dutt Dingwal and Swami Vicharanand. They manufactured salt, abetted the manufacture of salt and purchased illegally manufactured salt on 20th April, 1930 at KHARI KHET. The Sub-Divisional Magistrate, Dehradun wrote in his judgement "THE ACCUSED PLEAD GUILTY". Swami Vicharanand says that he acts according to his Congress which is his Government. He does not consider the present Government as Government and the present court as court. He says that it is his duty to go against the law of the Government. Pt. Narain Datt Dhingwal says that he himself did not manufacture salt but he helped the jatha in every way. They do not produce any defence. The Swami had earlier delivered a lecture to break the salt Law and purchased a puria of salt for Rs. 5/-. They were, for thus thwarting the authority of the Government and sentenced for the maximum punishment of 6 months S.I. each.

This first case of breaking Government law and so boldly accusing and denying the Government in the court is a proof enough to express the mood of the people during the Movement.

The files relating to this Movement preserved in the Regional Archives reveal that about 168 persons including men, women and juveniles were convicted. They were charged for breaking Salt Law, picketing of liquor and foreign goods shops, boycotting foreign goods, seditious activities, observing Independence Day on 26th January and for taking out processions and holding meetings in violation of Section 144 Cr. P.C.

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The First phase of the Movement continued up to 9th June, 1931 when in an appeal in the court of the Sessions Judge, Saharnpur, the Conviction of Gurmukh Singh and others was upheld. A party of 10 persons was charged under various sections of Indian Penal Code and sentenced to rigorous imprisonment of from 27 months to 51 months. When the judgement was being announced on 2nd May, 1931 they shouted "Qaumi Nara, Bande Matram" and were fined Rs. 200/- each in default of which a further one month R.I., for the contempt of the court.

The second phase of the Movement starts from 6th January, 1932. One Keshavanand was arrested at Rishikesh for holding a meeting in protest against the arrest of Gandhi on 4th January, 1932 and delivering there an inflammatory speech in defiance of section 144 Cr. P.C. He was sentenced to two months rigorous imprisonment and a fine of Rs. 50/- in default of which another six weeks R.I. The last Case is that of Swami Vicharanand, proprietor of Abhay Press, Dehra Dun. He was charged for selling, printing and possessing proscribed literature namely "Chingari", "Rishikesh Men Ghor Atyachar" and other posters which in the opinion of the court could incite murder or any other cognizable offence which was punishable under the Press Act of 1931. He was sentenced, on 12th September, 1932 on three counts, to a total of 1 year of rigorous imprisonment and a fine of Rs 100/- in default of payment of which another six weeks R.I. His appeal against the punishment was partly allowed on 26th January, 1933. His sentence was maintained only on one count i.e, making, publishing, keeping for sale and actually selling copies of a book called"VICHAR TARANG", for which the sentence was 6 months R.I. and Rs. 100/- fine, in default of which six weeks further R.I.

It is revealed from the perusal of the orginal files that the date, time and place of the manufacturing of salt was announced by the Congress beforehand. At the appointed time a group of persons with their minimum necessary implements like cannisters, karahi and Choolha and fuel assembled at the appointed place. They were beaten up by the police with lathis in a bid to stop the making of salt and then they were arrested and their implements confiscated and later auctioned off. In the court they always pleaded guilty and never liked to say any thing in their defence. More often than not they refused to take part in the proceedings. Some of them even refused to sign their depositions. They did so because they did not have faith in Brithish Justice. Whenever they narrated the atrocities of the police in the court it was termed by the magistrate as "IRRELEVANT LONG STATEMENT". They gave their father's name as "MAHATMA GANDHI" caste as "INDIAN" residence as "HINDUSTAN" and for occupation "MANUFACTURE OF SALT" or "TO SPREAD REBELLION". In most of the cases they said "THE STATEMENT MADE BY THE PROSECUTION WITNESSES ARE FABRICATED, THEY HAVE BEEN TAUGHT BY THE POLICE, WE DO NOT HAVE ANY HOPE FOR JUSTICE IN POLITICAL CASES" and added circastically "THE COURT ITSELF WAS ALL COMPETENT".

The first case of picketing that is available in the records is that of a body of people who were arrested on 4th June, 1930 while picketing the shops at Ashley building, the European Shopping Quarter. The accused were asked by the Kotwal, Durbara Singh to disperse but they disobeyed. He arrested them and was the only witness in the court. Some of the accused pleaded guilty and some not guitly but irrespective of this they were fined Rs 10/- or Rs 20/- and in default one month S.I. as the magistrate pleased.

As the picketing grew more and more intense the amount of fine was increased to Rs 50/- and in default a rigorous imprisonment of two months. But the intentions of the Government and administration are evident from the instruction of the Magistrate for the Sub-Divisional Magistrate on a Judgement in a summary trial dated 5th July, 1930, in which one Badri Prasad was convicted for picketing under section 32 of Police Act, to a fine of Rs 50/- and in default two months S.I. He writes "Seen, if this goes on Rs. 100/- or 4 months rigorous imprisonment to be the minimum. But sections of law which only allow S.I. are not of much use". The next case of picketing which shows the true intentions of the Government is that on 8th August, 1930 when a party of five were arrested and charged under four different sections of I.P.C. getting a rigorous imprisonment of three months each on each count. Thus totalling one year R.I.

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The sentences were to run concurrently. When the accused appealed in the court of the Sessions Judge at Saharanpur against the severity of the punishment the Judge recorded in his judgement, "I agree with the Trying Magistrate that the prosecution story is a true one and hold that the witnesses were rightly believed by him. The sentence does not err on the side of severity and I dismiss the appeal.".

Yet in another case, Mittra Sen and others are accused (4 in all), the Trying Magistrate records in his judgement "Since May, 1930 congress volunteers have been engaged in intensive campaign of picketing of liquour, cigarette and foreign cloth shops in Dehra. The volunteers have been recruited, maintained and organised by the Congress Committee whose office is situated in 'Kiria Karam'. . . . . on one occasion a batch of voulunteers enroute to attack the Dharsana Salt Factory was declared an unlawful assembly, arrested and later convicted. The four accused in this case were the President, Treasurer, and Secretary of the Congress Committee of Dehradun and one was the Director of War Council." Each one of them was senteced for 6 months R.I. and Mittra Sen, the President was also fined Rs 200/- in addition, in default of which a further two months R.I. Though they were all charged for abetting the picketing only but on the Sentencs the Magistrate remarks "MOST CONVINCING".

The women picketers posed a real trouble for the administration. Four women picketers Srimati Sharmada Devi Tyagi, Srimati Ram Lubhai, Srimati Bhagwati Devi and Srimati Sharma Devi were arrested for picketing at Ashley Building on 13th October, 1930. The problem of the police and administration and the buyers can be easily assessed from the judgement of the Trying Magistrate. He records .... "It appears that the accused have taken advantage of their sex to make themselves a nuisance to the public, it was extremely difficult for customers, such as Mr. Gordon to make their way through the barrier created by them unless they had resorted to force as no doubt they would justifiably have employed had the picketers been men. If women indulge in this sort of offence they must not expect magistrates to take too lenient a view of it simply on account of their sex .... I feel at liberty to take into account the objectionable and defiant attitude in court of all four women. A refusal to take part in the proceedings followed by a precipitate exit from the room in the jail where the trial was being held, giving myself and the officials concerned in the proceedings an inordinate amount of unnecessary trouble before the trial could be resumed, does not afford them any right to expect much leniency from me." On this judgement the Magistrate's Instructions are "Viscious. Imprisonment female prisoners can be provided with work in jail". These instructions were given inspite of the fact that the sentences were only of $4\frac{1}{2}$ months S.I. to each and a fine of Rs. 50/- in default of payment of which six weeks further S.I.

Thus it is noticed that the severity of the punishment increased proportionally according to agitaion, irrespective of the provisions in the law thereof.

Another mode of agitation during this Movement was asking people to stay away from Government services. This was done through singing songs to this effect in public places, through speeches in public places and through pamphlets, leaflets and bills. Singing national songs at public meetings roused a feeling of nationality as well as hatred against the British Government. In one of the such cases, one person named Stayagrahi *alias* B.D. Verma was arrested at Mussorie. He was charged for singing songs along with two other Congress volunteers to the effect that policemen should resign their posts under the Government. The Magistrate's remarks are interesting to note. He remarks "These men were a notorious nuisance in Mussoorie in their endeavours to work up some kind of Congress agitation during the visit of Pt. Motilal Nehru and paraded the Mall daily between 8 to 10 A.M. singing seditious songs at the top of their voices". Satyagrahi was arrested on 10th October, 1930 and convicted under the Act XXII of 1922 to six months R.I. on 30th October, 1930.

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Yet another mode of disobeying the Government in a Civil way was taking out processions with Congress flag and holding meetings at public places. The Congress had already been declared an unlawful association. Seditious Meetings Act of 1922 was in full operation. The Government also promulgated section 188 I.P.C. (Spreading disaffection and creating riot) and section 144 Cr. P.C. (Unlawful Assembly). But the Congressmen held meetings to preach disaffection towards the Government; they took out huge processions to defy the Government ban and hold public meetings to defy the orders regarding unlawful assemblies.

On 26th January they took out processions to celebrate Independence Day in accordance with the Congress resolution of 1929 and they were arrested. They pleaded guilty in the courts. The peaceful meetings were always invariably termed as to be a possible cause for creating riot and made punishable. Hulas Verma, the then Dictator of the Congress at Dehra was sentenced to 2 years R.I. and a fine of Rs. 300/- in default of payment of which a further R.I. of 6 months for leading a procession on 26th January, 1932. He was wearing the Congress belt and holding the Congress flag. The Judge records in his judgement "at the time of arrest also when the salutation of the flag was going on, he was addressing a gathering of 2 to 3 hundred persons he is undoubtedly a zealous and dangerous leader of the local Movement and has admittedly twice been dealt before under the Salt Law in 1930 and for picketing again in 1930 (*vide* Ex. C). He has been troublesome and will continue to be so and needs an exemplary punishment this time. He is accordingly convicted under section 17 (2) I.C.L.A. Act (Indian Criminal Law Amendement Act of 1908) and sentenced to two years Rigorous Imprisonment with Rs. 300/- fine or in default of payment another six months Rig. Imp."

Thus from 20th April, 1930 to 12 September, 1932 the Civil Disobedience Movement was in full swing in Dehra Dun during which the Congressmen, and children suffered lathi blows, simple and rigorous imprisonments and confiscation and loss of their property and belongings but held aloft the banner of Congress and its ideal of non-violence as the most effective means of achieving Independence from the British rule.

INDIVIDUAL CIVIL DISOBEDIENCE MOVEMENT

The individual civil Disobedience Movement started in October, 1940 when Mahatma Gandhi selected his disciple Vinoba Bhave (later Acharya) to inaugurate it on 13th October, 1940 at Wardha by delivering speeches against the war. He delivered anti-war speeches for four days and then was arrested. Gandhiji meant that only prominent persons should come out for this and not the general masses. It was a Movement only to register the protest and not to embarrass the Government in the hour of crisis of the II World War.

At Dehra Dun the first case is that of Mahavir Tyagi, the then Member of Legislative Assembly who was convicted on 27th November, 1940. Before committing Satyagrah he sent a letter on 24th November, 1940 to the District Magistrate of Dehra Dun (Written in Urdu and signed by him in Hindi). The letter as translated into English was.

"Gandhiji has chosen me for satyagrah. I therefore inform you that on 24th November, 1940 at 2 O'clock in the afternoon in the Village of Kansi of Jaunsar Bawar, near the Ashoka Shilla, I will offer Satyagrah by shouting the following Slogans. IN THIS ENGLISH WAR (LARAI) IT IS RELIGIOUSLY FORBIDDEN (HARAM) TO GIVE HELP IN MEN OR MONEY. FOR US THE ONLY WAY IS TO OPPOSE EVERY ARMED WAR (LARAI) BY MEANS OF NON-VIOLENT SATYAGRAH.

Your's

MAHAVIR TYAGI."

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A very amusing thing is revealed from the perusal of the records that when the court asked "your name?" The answer on the deposition sheet is "MR. MAHAVIR TYAGI".

Earlier, on 17th August, 1940 one Lala Musaddi Lal was arrested on the charge of "BROADCASTING BERLIN NEWS TO THE PUBLIC FROM HIS RADIO". He was prosecuted under DIR and fined Rs. 200/- in default of payment of fine 8 months S. I. It was a fabricated case but his appeal in the court of the Sessions Judge, Saharanpur was dismissed on 7th July, 1941.

The last case is that of Aval Singh offering Satyagrah on 4th December, at Kaulagarh by reciting anti-war slogans. He was sentenced on 16th December, 1941 for three months R.I. and a fine of Rs. 30/- in default of payment of which a further imprisonment of one month R.I.

The Files relating to this Movement preserved in the Regional archives, Dehra Dun reveal that 164 persons including men, women and children were convicted.

The Juveniles were given only 7 days R.I. One or two were admonished only after they promised not to repeat the act in future and were let off. The maximum sentence was 2 years R.I. The fines ranged from Rs. 20/- to Rs. 500/- and in default of the payment of fine further imprisonment ranging from one month to one year were awarded.

The usual practice of the Satyagrahis was that they first informed the District Magistrate of Dehra Dun or their nearest Government official like the Incharge of police station or other revenue official or the like. The information contained the date, time and place of the offering of Satyagrah. The letter had a set language and was written in Hindi or Urdu. The letter also contained the anti-war slogan in full. Before the commencement of the Satyragrah some Congress worker used to announce, in the locality around the appointed place, that so and so was going to offer Satyagrah for the freedom of the country, at such and such place, time and date. It was also told to the people that they should not repeat the slogans but only listen to them carefully and memorise them; that they should not garland the Satyagrahis unless allowed by the police; that they should not come closer to the Satyagrahi unless allowed by the police. The people faithfully obeyed these directions. As soon as the police got the news of the commencement of Satyagrah through the letter alluded to above they made a hectic search of the would be Satyagrahi but they failed almost all the time. Some times they also tried to grab the Satyagrahi even before he could recite the anti-war slogan. In this effort also the Police failed always. They used to post themselves around the place, alert to apprehend the person before he or she could do anything amounting to offend the Government but the Satyagrahi at the exact appointed time would appear as if by a magic from air. In fact they used to hide themselves in nearby bushes, in nearby lanes, on any nearby tree. The Satyagrahi would emerge from his hiding and reading or reciting the usual anti-war slogan offered himself for arrest with the slogans of Mahatma Gandhi Ki Jai and Jawaharlal Nehru Ki Jai. No resistance, no violence, no repentance but a feeling of superiority and pride was writ large on the face of the Satyagrahi because he thougth himself fortunate enough to have been chosen, from amongst his fellow countrymen, by Mahatma Gandhi for the service of the Nation and also because he played his part successfully and with required effect. The scene actually roused the on-lookers to vie with each other for this honour. Those who were not chosen for this service helped the Movement in other ways and waited patiently for their turn as in the words of Milton "THEY ALSO SERVE WHO STAND AND WAIT". The arrested Satyagrahi was taken staight to the Jail and the hearing did not take place, in some cases, for weeks together. The court procedure was usually monotonous for the same nature of offence. The Police submitted a challan writing as much as they could against the accused lest he gets acquitted. They produced prosecution witnesses, either all false or with crammed statements. In the begining of the Movement there used to be produced some defence witnesses as well. But the result was the same. After some time the accused refused to produce any defence. Time and

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again the prosecution witnesses proved unreliable but the result was the same—conviction. The accused were asked, generally, some set questions. For example:—

Q.— Did you send letter Exhibit .... to the District Magistrate, Dehra Dun intimating your intention to offer Satyagrah at .... on .... at .... P.M.

Ans.— Yes.

Q.— Does it bear your signature ?

Ans.— Yes.

Q.— Did you recite anti-war slogans or .... offered Satyagrah?

Ans.— Yes.

Q.— Do you wish to produce any defence?

Ans.— No.

Q.— What have you to say?

Ans.— Nothing.

Prosecution witnesses were heard and believed. More often than not the statements of the police and the prosecution witnesses were fabricated and taught by the police. There appears no reason to disbelieve the Satyagrahis as they were neither afraid of jail nor wanted to escape the conviction but they wanted that their acts should be presented in the court with truth. But the practice did not change and they had lost the hope of justice from the British Court. One concrete example of the fabrication and exaggeration of the offences of a Satyagrahi will suffice. One, Zalmoon, a blacksmith was charged that on 3rd February, 1941, he, along with other Congress workers organised a public meeting at Resham Majri where he asked people to make a sacrifice for the cause of their country and to go to jail like other Satyagrahis. He was also charged to have said that he was also going to offer Satyagrah. The accused refuted this last charge and told the court that he could not say this as the date for his Satyagrah was not fixed by then. He admitted all other charges. His statement was cent per cent true as the procedure of the Satyagrah was that first a Congress woker had to apply to be selected for the Satyagrah and then the date and place for his Satyagrah were decided provided he was selected for it. But Zalmoon was sentenced to 6 months R.I. and a fine of Rs. 50 in default of the payment of which a further period of 2 months R.I. on the charges of ABETTMENT PREPARTATORY TO A PREJUDICAL ACT and he was declared guilty of not only abettment but for Influencing the conduct and attitude of the public in a manner likely to be prejudical to the defence of British India or to the effective prosecution of war. His belongings were confiscated and auctioned off which fetched only Rs. 3/- to pay the fine.

Yet in another case the accused Shiam Singh was also charged to have said in a meeting that "BAKHTAWAR SINGH WAS GOING TO OFFER SATYAGRAH FOR THE FREEDOM OF THIS COUNTRY AND THAT EVERYONE SHOULD HELP IN THE SAME WAY. The accused in his cross examination admitted to have made a speech on the occasion but said only GANDHI JI HAS STARTED SATYAGRAH FOR THE FREEDOM. TODAY SARDAR BAKHTAWAR SINGH WILL OFFER SATYAGRAH. He further said that all the witnesses were false and fabricated. He also declared that he was only a member for attempting to abett the offence of Bakhtawar Singh by attempting to enlarge the scope of that offence and make it more effective. He was sentenced to 12 months R.I. under DIR This proves clearly that the Satyagrahis offered Individual Satyagrah and courted voluntary arrest after reciting the anti-war slogan but the administration, in a bid to crush the Movement with its power vested in it by the Defence of India Act, tried to book any Congress worker as and when they managed to grab one by hook or by crook.

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The nature of justice imparted in the courts was such that no accused cared for it. It is evident from the following instances. One Panna Lal organised a meeting at Rishikesh and asked the people to make sacrifice for the freedom of their country. He also asked them to Join in large numbers when Satyagrah is offered. He was charged for an act which was likely to influence the conduct of the public in a manner which was likely to be prejudicial to the effective prosecution of war. He refuted the charges. When asked if he committed the crime? His reply was "I DO NOT THINK I COMMITTED ANY CRIME". And when asked if he would offer any defence? He said? "No". But he was convicted under the Defence of India Act.

A very amusing incident worth quoting here is that of one Swami Kevalanand, a sadhu of Rishikesh. At a place where 200 or 300 Sadhus, widows and students were gathered for a charity meal, he came up with a tricolour in his hand and told them that if they assemble in Jail as they have assembled here they can make their country free within no time. The prosecution witness was so much overawed with the might of the British administration that he could not call a Congress flag a "CONGRESS FLAG". He said in his deposition "THE SWAMI WAS HOLDING A TRICOLOUR WHICH I BELIEVE TO BE OF CLOTH ONLY BUT PEOPLE SAY THAT IT WAS CONGRESS FLAG. The Swami, when asked if he would like to produce any defence? replied with contempt "I WILL NOT SAY ANYTHING IN DEFENCE, YOU DO WHATEVER YOU PLEASE". But the Sadhu was acquitted on the ground that "MERELY ASKING PEOPLE TO GO JAIL FOR THE FREEDOM OF THEIR COUNTRY WAS NOT A CRIME UNDER DEFENCE OF INDIA ACT."

May be the Government did not like the idea of making a hero of the Sadhu or they avoided some serious disturbance after the imprisonment of the Sadhu from a place like Rishikesh.

One very interesting case is that of Prabhu, a kurmi by caste. He used to go into the market (Paltan Bazar) with a bell in his hand. He was charged for uttering in his announcement as follows "A STAR HAS ARISEN FROM THE DIRECTION OF BOMBAY WHICH IS GOD'S BROOM. ITS EFFECT WILL BE THAT WHOSOEVER WILL NOT SIDE WITH THE CONGRESS WILL BE RUINED".

When asked about his profession he replied "ANNOUNCEMENT". He also told the court that when the Congress pays he announces for the Congress otherwise he announced for whosoever paid. Prabhu deposed that he only said that those who wish ill to others will be destroyed. But he was convicted and sentenced to six months R.I. for "AN ALARMIST ANNOUNCEMENT CALCULATED TO INSTILL FEAR INTO THE MINDS OF AN ILLITERATE AND SUPERSTITIOUS SECTION OF THE PUBLIC.....................THE ACCUSED THUS COMMITTED AN OFFENCE UNDER THE DEFENCE OF INDIA RULES FRAMED U/s 2 OF THE DEFENCE OF INDIA ACT, 1939".

Another thing of a noteworthy description during the Movement was that almost all the accused were imposed some fine. The amount ranged from Rs. 30/- to Rs. 500/- depending upon the status of the accused or gravity of his offence but mostly on the pleasure of the magistrate. It is also a fact revealed by the records that no one ever paid the fine and as a result their assets and property were invariably confiscated and auctioned. But the confiscated articles when put to auction fetched only a paltry sum of negligible amount. In one case it was Rs. 2/6/9. In some cases the police could find nothing to confiscate. It is also revealed from the records that the Satyagrahis knowing full well that they would certainly be convicted, they managed to transfer their immovable property into other's names and removed their movable assets away from their dwellings. It is also found in the records that more often the police confiscated the belongings of the convict's relations which had to be released after a petition was preferred in the court.

The Government thus tried its utmost to terrorise the people by all possible repressive measures but the Movement went on unabated. The Viceroy announced the release of all the Satyagrahis on 3rd December, 1941. Gandhi had asked the Satyagrahis not to offer it again after their release unless instructed in clear terms.

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It is a curious anomaly of the fact that even after the Viceroy's announcement the Satyagrahis were sentenced to imprisonment as is evident from the case of Aval Singh who was arrested on 4th December 1941.

QUIT INDIA MOVEMENT

As mentioned in the Introduction the Quit India Movement started from 9th August, 1942 when Mahatma Gandhi was arrested after giving a call for the Movement on 8th August, 1942.

As usual, Dehra Dun once again obeyed faithfully and loyally in letters and in spirit the call of its beloved leader. Non-violent popular demonstrations were held at Dehra Dun in the shape of hartals, processions and meetings following Gandhi's arrest. The Congress organisation was banned. Defence of India Act was brought into application for the suppression of the Movement. But undaunted, the people of Dehra Dun kept pace with the rest of India throughout the Movement till it subsided on the release of Mahatma Gandhi on 6th May, 1944.

The files preserved in the Regional Archives reveal that 58 convictions were made in Dehra Dun during this Movement. From perusal of case number given in the list it appars that there might have been many more convictions which could not be ascertained in the absence of the relevant files in this Archives.

The earliest case is that of the 12th August, 1942 and the latest of 9th August, 1943. Thus the Movement raged in Dehra Dun for about one year.

The Programmes were observance of hartal on 9th day of every month in remembrance of the arest of Mahatma Gandhi on 9th August, 1942, the observance of 26th January as Independence Day, incitement of people by distributing pamphlets and leaflets to disobey Government orders and asking the people not to pay land rents, taxes and fines to the Government, shouting anti-Government slogans and unfurling the Congress flag at public places. Other activities like disruption of communications, burning and looting of Government buildings and other activities of the nature are not found in these files. The procedure of justice was the same as meted out to the agitators during the previous Movements. Once the police got hold of any agitator he or she had to be definitely convicted. Defence witnesses and the deposition of the accused in their own defence were never relied upon. Charges were fabricated and the police produced well taught witnessess. The Government was very severe in awarding punishment this time. Even for quite a mild offence long rigorous imprisonments were awarded. In default of the payment of fines the property was confiscated and put to auction almost in all cases. Though the Government was never successful in realising the full fine but the people, specially peasants were ruined. It appears that the Government was particularly very severe in respect of people's decision not to pay land rent.

Some interesting cases of the Movement at Dehra Dun are as follows. The first case that is preserved is that of Prabhu, a kurmi by caste as alluded to in the foregoing pages. This man had a peculiar way of his own for furthering the cause of the Congress and the Indepence of India. He had been once before convicted for making announcements by ringing a bell before the Mission School, Paltan Bazar, during the Individual Satyagraha Movement on 4th March, 1941. This time, on 12th August, 1942, at the motor stand, Lakhi Bagh he was singing :—

"CHALI CHALA KI BER MEIN BHALI BHALA KAR LE"
PHIR JANE KAB AWAN HONGE MILI MILA KAR LE"

He was asking people to unite on one platform for one cause. He, being a staunch Congress worker was implicated for such announcement as amounting to causing fear and alarm in the minds of the public which was also prejudicial to the defence of British India and the successful prosecution of War. The Magistrate, in his judgement wrote "BY MAKING SUCH ANNOUNCEMENT THE ACCUSED WANTED TO MAKE THE PUBLIC BELIEVE THAT THERE WAS NO GOVERNMENT OFFICIAL LEFT TO PASS ORDERS AND ADMINISTER THE DISTRICT AND THAT EVERYBODY WAS FREE TO DO WHATEVER HE LIKED." Prabhu was sentenced for 4 months R.I. and fine of Rs. 50 in

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default of payment of which he was to undergo a further R.I. of two months. For the realisation of fine his property was confiscated after breaking open the lock of his house as his wife and children had gone to Bijnore. The fine was Rs. 50 and the total cost of his confiscated articles was assessed at Rs. 49/- But it was all that provided for his family's livelihood by mans of his carpentar's implements. It was all that was necessary for the most modest living of a poor Indian of those days. The amount was much less than half of the fine imposed but the Government wanting to win over the intention of the people not to pay anything to Government treasury resorted to such acts with severity and impunity. But at the same time the determination of the Indians to "DO OR DIE" is mainfest in the fact that this very humble servant of the Congress and patriot remained undaunted. On the 8th August, 1943 he was again asking people to observe hartal on 9th August, 1943 to celebrate the anniversary of Gandhi's arrest on this date in 1942. He was arrested and imprisoned this time for 2 years R.I. and fine of Rs. 100 in default of payment of which a further imprisonment of 6 months R.I. Such was the determination of the people to oust the British from their motherland.

Another aspect of the Quit India Movement was holding meetings at Public places and making firy speeches against the Government. Anti-Government slogans were also shouted in such meetings and other places. One Sachchidanand was arrested on 23rd December, 1942 for shouting anti-Government slogans in the bazar and he was also in possession of a leaflet containing prejudicial matter. The slogans uttered were "GOVERNMENT BARBAD", ANGREZON KO HINDOSTAN SE NIKAL DO". The leaflet also contained such matters like "ANGREZON KE GALE MEN HATH DE KAR BHARAT SE DHAKEL DO". The accused accepted all the charges but said "THIS COURT IS NOT COMPETENT TO DECIDE THIS CASE BECAUSE IT IS A PART OF THE GOVERNMENT MACHINE WHICH HE WANTS TO OVERTHROW OR DESTROY". He was sentenced to one year R.I. and a fine of Rs. 100 in default of the payment of which a further 3 months R.I. He was also sentenced for 9 months R.I. and the intention of the Government is manifest in the fact that the Court ordered that the two sentences should run subsequently.

Through slogans and through leaflets and pamphlets the Government was declared as callous, as have ceased to be in power, that contrary to the announcements of the Government, the Movement was still on ; that the farmers should not pay the land rent and the people any taxes, that the Government was responsible for the war and that this Government should be removed and compelled to quit. Time and again the slogans like "GOVERNMENT BARBAD" "CONGRESS ZINDABAD", "MAHATMA GANDHI KI JAI", were recited everywhere and people convicted for the offence under D.I.R.

Pt. Jawaharlal Nehru, as the president of the U.P. Students Council was spreading the message of Gandhi throughout the country and inciting people to do or die for their country. In a leaflet he said "FREEDOM IS IN PERIL, DEFEND IT WITH ALL YOUR MIGHT". Students, particularly were much influenced by his firy speeches and forceful writings.

One Kripal Singh, a student of class X of the Mission High School was suspected of some subversive activities. His room was searched and a number of objectionable leaflets and notes were confiscated. Two leaflets had been issued by Jawaharlal Nehru describing the pathetic condition of the peasants and public and the atrocious acts of the British Government, and also arousing people to do or die at this hour. A note was found in manuscript form describing the purpose of the Movement and asking the students to put their signature if they wanted to associate themseles with it. There are several signatures of the students of class IX on this note. There was found yet another handwritten note giving the method of making hand bombs and the bombs to put the buildings in flames. Kripal Singh was arrested on 24th January and convicted on 22nd April, 1943 to 9 months R.I. and fined Rs. 50 in default of payment of which a further R.I. for 3 months.

The Government's policy in regard to the peasants who were asked not to pay rents or who had decided not to pay is manifest in the following case. One Amar Deo, a Lohar by caste was the tenant of one Mr. E.C. Thatcher. Amar Deo was illiterate. They put their thumb impressions on thier statements. The

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story was fabricated so as to implicate Amar Deo as giving a pamphlet to some persons and asking them to act according to the directions given in it. The Karinda of the Zamindar sent a copy of this pamphlet to the Sub-Inspector of police stating the false story. It was a clear case of terrorising the peasants to desist from their decision of Non-payment of rent. Amar Deo, inspite of his pleading not guilty, was sentenced to 18 months R.I. and a fine of Rs. 150/- in default of payment of the fine a further R.I. of 3 months. His belongings were confiscated and auctioned off for a paltry sum of Rs. 13/14. Punishments like this on such a fabricated case was meant only to terrorise the peasants.

The Government itself was so much worried with this war of pamphlets that any one found in possession of such things was booked for long terms of R.I. One Padam Singh found in possession of leaflets and reading it in public was sentenced for a total of 18 months R.I. and a fine Rs. 100/- in default of payment of which a further R.I. of 4 months on 27th February, 1943 while another Padam Singh was sentenced for a similar offence to an imprisonment totalling 18 months R.I. and Rs. 60/- as fine, in default of which another term of 4 months on 1st March, 1943.

The Congress flag, the slogans of "MAHATMA GANDHI KI JAI" and anti-war slogans were so offensive and so irritating to the Government that such offences almost invariably fetched the accused a rigorous imprisonment of 2 years with a fine of Rs. 50/- and as usual, in default of which further imprisonment. Gulab Singh and Zalmoon, Lohar being given such imprisonments on 26th January, 1943.

Mahatma Gandhi was released on 6th May, 1944 and the last cases of Quit India Movement that we come across within the records at Dehra Dun are of 9th August, 1943 when in separate incidents Inder Dutt, Phanku and Srimati Shiama Devi were convicted for asking the people to observe hartal on 9th August to celebrate the anniversary of Gandhi's arrest, for hoisting Congress flags and for shouting anti-Government slogans like "GOVERNMENT BARBAD" "CONGRESS ZINDABAD" and "GANDHI JI KI JAI". They were sentenced for imprisonment from 6 months R.I. to 18 months R.I. without any concession for the widowed Srimati Shiama Devi.

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CIVIL DISOBEDIENCE MOVEMENT 1930–32

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CIVIL DISOBEDIENCE MOVEMENT 1930–32

Sl. No.	Name	Punishment	Date of Conviction	Charge U/S	File No.
1	2	3	4	5	6
1.	Abdul Rahman	(1) 6 months R.I. This case was decided twice, once with Nasir Ahmed for Manufacturing 1 Seer Salt and once singly.	(1) 10.6.1930	(1) Violation of Salt Act.	(1) 63/30
		(2) 6 months R.I.	(2) 10.6.1930	(2) Violation of Salt Act.	(2) 64/30
2.	Amar Nath Vaid	6 months R.I. Rs. 25/- 6 Weeks R.I.	4.11.1930	Picketing	98/30
3.	Amar Singh	4 months R.I. Rs. 100/- months R.I.	4.7.1930	do	168/30
4.	Amir Singh	Acquitted on Rs. 100/- bond.	20.5.1932	Procession	12/32
5.	Amru	Warned only being a boy.	5.6.1930	Picketing	60/30
6.	Anand Deo	6 months R.I. Rs. 20/- 6 Weeks R.I.	30.10.1930	do	428/30
7.	Anand Giri	6 months R.I. Rs. 250/- 6 Weeks R.I.	14.1.1932	Procession	51/32
8.	Arjan Singh	6 months R.I.	17.10.1930	Picketing	403/30
9.	Arjun Singh	Rs. 200/- 1 month R.I.	2.5.1931	Raising Qaumi Nara "BUNDE MATRAM" in the Court.	
10.	Arjun Singh	3 months R.I.+R.I×4	2.5.1931	Raising Qaumi Nara "BUNDE MATRAM" in the Court.	2/31
11.	Babu Lal	6 months R.I.	3.7.1930	Violation of Salt Act	169/30
12.	Badri Lal	Rs. 50/- 2 months S.I.	5.7.1930	Picketing	172/30
13.	Balbir Singh	3 months R.I. Rs. 50/- 6 Weeks R.I.	1.2.1932	Procession	95/32
14.	Bal Krishna Keskar	6 months R.I.	21.5.1930	Violation of Salt Act	158/30
15.	Balwant Singh	(1) 6 months S.I.	(1) 30.4.1930	(1) Violation of Salt Act	(1) 3/30
		(2) 3 months R.I.+ 6 months R.I.×4	(2) 2.5.1931	(2) Picketing	(2) 2/31
16.	Banarsi Das	Acquitted	4.7.1930	Picketing	168/30
17.	Beni S/o Jumman Sweeper	2 yrs. R.I. (Absconded after being released on 14-2-1929 from the Distt. Jail, DDN)	11.4.1927 (proceeding for his arrest started on 4.6.1929 and closed on 18.12.1929)	454/75	113/29

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1	2	3	4	5	6
18.	Beni Prasad (16 yrs.)	4 months R.I. Rs. 20/- 6 Weeks R.I.	30.10.1930	Picketing	427/30
19.	Bhagwat Prasad	3 months R.I. Rs. 50/- 1 month R.I.	9.8.1930	Picketing	311/30
20.	(Mrs.) Bhagwati Devi Tyagi	4 1/2 months S.I. Rs. 50/- 6 Weeks R.I.	20.10.1930	Picketing	406/30
21.	Bhim Dutt	Case dropped	13.3.1931	Meeting	80/31
22.	Bhumanand	(1) 6 months R.I. (2) 18 months R.I. (3) 4 months R.I.	(1) 19.1.1932 (2) 18.8.1932 (3) 4.8.1930	(1) Procession (2) CLAA (3) Pros. literature	(1) 59/32 (2) 530/32 (3) 255/30
23.	Bhunesha Prasad	Rs. 10/- 1 month S.I.	5.6.1930	Picketing	60/30
24.	Behari Lal Chamar (Chowdhry)	(1) 6 months R.I.+ 2 yrs. R.I. (2) 6 months S..I.	(1) 21.5.1932 (2) 30.4.94	(1) Sedition (2) Violation of Salt Act	(1) 9/32 (2) 129/30
25.	Pt. Bishambhar Dutt Chandola	Offered Unqualified	18.10.1925	Sedition	4/25
26.	Brahma Dutt	6 months R.I.	21.5.1930	Violation of Salt Act	158/30
27.	Bundu	4 months R.I. Rs. 100/- 2 months R.I.	4.7.1930	Picketing	168/30
28.	Chajju Ram S/o Udei Ram	Rs. 10/- 1 month S.I.	5.6.1930	Picketing	60/30
29.	Chajju Ram	6 months R.I. Rs. 50/- 6 Weeks R.I.	16.10.1930	Picketing	401/30
30.	Chandan Singh	Rs. 10/- 1 month S.I.	5.6.1930	Picketing	60/30
31.	Chandi Prasad	Rs. 10/- 1 month S.I.	5.6.1930	Picketing	60/30
32.	Chattar Singh (22 Yrs.)	3 months R.I. Rs. 50/- 6 Weeks R.I.	28.1.1932	Procession	90/32
33.	Darshan Lal S/o Dilaram Gujar	Rs. 10/- 1 month S.I.	5.6.1930	Picketing	60/30
34.	Darshan Lal	4 months R.I. Rs. 100/- 2 months R.I.	4.7.1930	Picketing	168/30
35.	Darshan Lal (20 Yrs.)	6 months R.I. Rs. 100/- 6 Weeks R.I.	28.1.1932	Procession	90/32
36.	Durbhag Singh	6 months R.I. Rs. 50/- 6 Weeks R.I.	1.2.1932	Procession	93/32
37.	Ganesh Dutt	6 months R.I. Rs. 50/- 6 Weeks R.I.	24.10.1930	Picketing	405/30
38.	Gautam Deo	6 months R.I.	10.6.1930	Violation of Salt Act	65/30
39.	Ghanshiam Singh	6 months R.I. Rs. 250/- 6 Weeks R.I.	20.5.1932	Picketing	332/32
40.	Girdhari Lal	4 months R.I. Rs. 100/- 2 months R.I.	4.7.1930	Picketing	168/30
41.	Gopinand	4 months R.I. Rs. 100/- 2 months R.I.	4.7.1930	Picketing	168/30
42.	Govinanand	4 months R.I. Rs. 100/- 2 months R.I.	4.7.1930	Picketing	168/30

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1	2	3	4	5	6
43.	Gunanand	6 months R.I. Rs. 50/- 6 Weeks R.I.	16.10.1930	Picketing	401/30
44.	Gurmukh Singh	(1) 3 months R.I.+ 12 months R.I.×4 (2) Rs. 200/- / 1 month R.I. In appeal the fine was reduced to Rs. 100 but rest of the sentence maintained on 9.6.31.	2.5.1931 2.5.1931	Picketing Raising Qaumi Nara "BUNDE MATRAM" in the Court.	2/31 4/31
45.	Gur Prasad (A Congress Office Bearer)	6 months R.I.	1.8.1930	Picketing	234/30
46.	Gyan Bahadur	Absconded and was never arrested	23.4.1928 7.7.1928	Excise Act	45/28
47.	Gyan Chand	3 months R.I. (Appeal dismissed on 27.9.30)	8.8.1930	Picketing	211/30
48.	Gyan Krishan (A minor)	Rs. 100/-	4.7.1930	Picketing	168/30
49.	Har Dayal	3 months R.I. Rs. 25/- 1 month R.I.	27.11.1930	Procession	342/30
50.	Hardwari	4 months R.I. Rs. 100/- 2 months R.I.	4.7.1930	Picketing	168/30
51.	Harnam Banerji (a student under 20 yrs.)	3 months R.I. Rs. 50/- 1 month R.I.	9.8.1930	Picketing	311/30
52.	Harijiwan	6 months R.I. Rs. 50/- 6 months R.I.	21.5.1932	Picketing	235/32
53.	Hari Kishan	3 months R.I. Rs. 25/- 1 month R.I.	27.11.1930	144 Cr.P.C.	342/30
54.	Hira Lal	3 months R.I. Appeal dismissed on 27.9.30	8.8.1930	Picketing	211/30
55.	Hiranand	6 months R.I. Rs. 50/- 6 Weeks R.I.	14.1.1932	Procession	51/32
56.	Hoshiar Singh	6 months R.I.	30.6.1930	Violation of Salt Act	51/32
57.	Hulas Verma (Ch) Dictator	(1) 6 months R.I. Rs. 25/- 6 Weeks R.I. (2) 2 yrs. R.I. Rs. 300/-6 months R.I. (3) 6 months S.I.	(1) 4.11.1930 (2) 29.1.1932 (3) 30.4.1930	(1) Picketing (2) Observing I Day on 26.1.32 (3) Violation of Salt Act	(1) 98/30 (2) 92/32 (3) 129/30
58.	Ishwaranand (A sadhu of Rishikesh)	2 yrs. R.I. Rs. 50/- 3 months R.I.	14.1.1932	Sedition	50/32
59.	Ishwar Chand	3 months R.I. (appeal dismissed on 27.9.30)	8.8.1930	Picketing	221/30
60.	Jagdish Prasad	6 months R.I.	10.6.1930	Violation of Salt Act	66/30
61.	Jaijai Ram	6 months R.I. Rs. 100/- 6 Weeks R.I.	1.2.1932	144 Cr.P.C.	93/32

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1	2	3	4	5	6
62.	Jai Prasad	3 months R.I. Rs. 25/- 1 month R.I.	27.11.1930	144 Cr. P.C.	342/30
63.	Joti Prasad	4 months R.I. Rs. 100/- 2 months R.I.	4.7.1930	Picketing	168/30
64.	Jugul Kishore	1 yr. S.I. Sent an apology from Shahjahanpur Jail. Ordered to be released, provided the authorities were satisfied.	18.7.1930 29.10.1930	Sedition Boycott	197/30
65.	Jwala Prasad	6 months R.I. Rs. 20/- 6 Weeks R.I.	30.10.1930	Picketing	428/30
66.	Kalia	15 Stripes in Jail when found fit to undergo such punishment.	25.2.1931	Picketing	53/31
67.	Kanhaiya Lal	(1) 6 months S.I. (2) 3 months R.I.+6 months R.I.x4	(1) 30.4.1930 (2) 2.5.1931	(1) Violation of Salt (2) Picketing, Procession.	(1) 3/31 (2) 2/31
68.	Kanhaiya Singh S/o Gopal	6 months R.I.	17.10.1930	Picketing	403/30
69.	Kanhaiya Singh S/o Sher Singh	6 months R.I.	17.10.1930	Picketing	403/30
70.	Kedar Nath (a Congress Office bearer)	6 months R.I. Rs 200/- 2 months R.I.	1.8.1930	Picketing	234/30
71.	Keshavanand (a Juvenile)	5 Stripes in Presence of the magistrate and let of.	14.1.1932	Procession	51/30
72.	Keshavanand (a Sadhu of Rishikesh)	2 months R.I. Rs 50/- 6 Weeks R.I.	9.1.1932	Meeting	40/32
73.	Keshavanand (Swami)	2 months R.I.	21.5.1930	Violation of Salt Act.	158/30
74.	Khurshed Lal	Rs. 50/- 6 Weeks R.I.	20.1.1932	Unlawful Association	60/30
75.	Khushi Ram S/o Ram Kishan	Rs 10/- 1 months S.I.	5.6.1930	Picketing	60/30
76.	Khushi Ram	6 months R. I.	20.1.1932	Picketing	60/30
77.	Kishori Lal	1 Yr. R.I.x 4+3 months R.I.	2.5.1931	Picketing	2/31
78.	Krishna Chand Singh (Secretary, Distt. Cong. Committee)	6 months R. I.	21.5.1930	Violation of Salt Act.	159/30
79.	Krishna Dutt (A Cong. Office bearer)	6 months R. I.	1.8.1930	Picketing	234/30
80.	Krishan Singh	4 months R. I. Rs. 100/- 2 months R.I.	4.7.1930	Picketing	168/30
81.	Kulanand	Rs.50/- 2 months S.I.	5.7.1930	Picketing	173/30
82.	Kundan Lal	(1) 6 months S.I.. (2) 1 Yr.R.I.x4+3 months R.I.	(1) 30.4.1930 (2) 2.5.1931	(1) Violation of Salt Act. (2) Picketing	(1) 3/31 (2) 2/31
83.	Kunj Bihari (Chela of Sadhu Chetan Saroop)	2 months R.I. Rs.50/- 6 Weeks R. I.	9.1.1932	Procession	43/32

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1	2	3	4	5	6
84.	Kushal (A mior)	Rs. 100/-	4.7.1930	Picketing	168/30
85.	Madan Singh	6 months R.I. Rs. 20/- 1 month R. I.	17.10.1930	Picketing	403/30
86.	Madan Singh Pahariya (30 Yrs.)	6 months R. I. Rs. 100/- 6 Weeks R.I.	10.3.1932	Boycott	153/32
87.	Maharaj Prasad	3 months R. I. Rs.25/- 1 month R.I.	27.11.1930	144 Cr. p.c.	342/30
88.	Mahavir Tyagi	(1) 6 months S.I.	(1) 30.4.1930	(1) Violation of Salt Act.	(1) 129/30
		(2) 2 Yrs. R.I.+6 months R. I. Rs. 50/-	(2) 20.1.1932	(2) CLAA	(2) 61/32
89.	Mahendra Nath Panjabi (18 Yrs.)	3 months R. I. Rs. 50/- 1 month R.I.	10.3.1932	Boycott	153/32
90.	Mahendra Singh S/o Gulab Singh	Rs. 10/- 1 month S. I.	5.6.1930	Picketing	60/30
91.	Maheshanand	3 months R. I. Rs. 50/- 1 month R.I.	9.8.1930	Picketing	311/30
92.	Mithan Lal Agarwal	6 months R. I. Rs. 250/- 6 Weeks R.I.	15.3.1932	Prescribed Literature.	256/32
93.	Mitra Sen Vaid (A cong. Office bearer, Dictator)	(1) 6 months R. I. Rs. 200/- 2 months R.I. (Appeal dismissed on 13.10.1930.)	(1) 1.8.1930	(1) Picketing	(1) 234/30
		(2) 6 months R.I., Rs.50/- I month R. I.	(2) 27.11.1930	(2) Sedition, Procession	(2) 341/30
94.	Mohan Lal	6 months R. I. Rs. 20/- 6 Weeks R.I.	30.10.30	Boycott	428/30
95.	Mohan Singh (24 Yrs.) of Joshimath	6 months R. I.	1.2.1932	Picketing	94/32
96.	Mohan Singh		17.10.1930	Picketing	403/30
97.	Mohinder Singh	Acquitted on a personal bond of Rs. 100/- and a promise not to take part in the Movement in future.	20.5.1932	Procession	12/32
98.	Munshi	15 Stripes in the Jail when found fit to undergo such punishment.	25.2.1931	Picketing	53/31
99.	Nain Singh	(1) Rs. 50/- 2 months R. I.	5.7.1930	Picketing	170/30
		(2) 6 months R. I. Rs. 50/- 6 month R. I.	21.5.1932	Picketing	335/32
100.	Nakul (Mali of Muzffarnagar) 25 yrs.	3 months R. I. Rs. 50/- 6 months R. I.	28.1.1932	Procession	91/32
101.	Nand Kishore	(1) 6 months S. I.	(1) 30.4.1930	(1) Violation of Salt Act	(1) 2/31
		(2) 3 months R. I.+ 1 yr. R.I.×4	(2) 2.5.1931	(2) Picketing, Procession	(2) 2/31
102.	Nand Kumar	(1) 6 months S. I.	(1) 30.4.1930	(1) Violation of Salt Act	(1) 3/31
		(2) 6 months R. I.+	(2) 2.5.1931	(2) Procession,	(2) 2/31
103.	Nanak Chand (a Sadhu of Rishikesh)	3 months R. I. Rs. 50/- 6 Weeks R.I.	9.1.1932	144 Cr.P.C.	41/32

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1	2	3	4	5	6
104.	Narain Dutt	(1) 6 months S. I. (2) 6 months S. I.	(1) 30.4.1930 (2) 30.4.1930	(1) Violation of Salt Act (2) Ditto	(1) 131/30 (2) 132/30
105.	Nar Deo Shastri	6 months S. I.	30.4.1930	Violation of Salt Act	133/31
106.	Nathu S/o Balmu Lohar	15 Stripes in the Jail when found fit to undergo such punishment.	25.2.1931	Picketing	53/31
107.	Nathu Ram	3 months R. I. (Appeal dismissed on 27.9.1930)	8.8.1930	Picketing	211/30
108.	Nawal Kishore	4 months R. I. Rs. 100/- 2 months R. I.	4.7.1930	Picketing	168/30
109.	Nawal Kishore (18 yrs.)	6 months R. I. Rs. 100/- 6 months R. I.	28.1.1932	Procession	90/32
110.	Nisar Ahmed	6 months R. I.	10.6.1930	Violation of Salt Act	64/30
111.	Om Prakash (*alias* Bhimsen)	6 months R. I. Rs. 10/- 6 Weeks R.I.	1.2.1932	144 Cr.P.C.	93/32
112.	Padam Singh	Bond of Rs. 200/-, one surety of Rs. 200/- for one year and in default 6 months R. I.	8.8.1932	CLAA–Instigating people to join Congress.	542/32
113.	Pirthi	15 Stripes in the Jail	25.2.1931	Picketing	53/31
114.	Poornanand (Chela of Atma Ram)	2 months R. I. Rs. 250/- 6 Weeks R.I.	9.1.1932	Procession	42/32
115.	Puna	Rs. 10/- 1 month S.I.	5.6.1930	Picketing	60/30
116.	Puranand	6 months R.I. Rs. 20/-6 months R.I.	30.10.1930	Picketing	427/30
117.	Qalam Singh	6 months R.I. Rs. 20/-6 months R.I.	30.10.1930	Picketing	427/390
118.	Raghbir Singh	6 months R.I. Rs. 50/-6 Weeks R.I.	20.5.1932	Procession	12/32
119.	Rajdarshan Singh (a student under 18 yrs.)	3 months R.I. Rs. 50/- 6 Weeks R.I.	16.10.1930	Picketing	401/30
120.	Rajpati Pandey	6 months R.I.	5.6.1930	Violation of Salt Act	59/30
121.	Ramanand	(1) 6 months R.I Rs. 50/- 6 Weeks R.I. (2) 2 Yrs. R.I. Rs. 50/-3 months R.I.	(1) 14.1.1932 (2) 14.1.1932	(1) Procession (2) Seditions Meetings	(1) 51/32 (2) 51/32
122.	Rameshwar Dayal (19 Yrs.)	3 months R.I. Rs. 50/- 6 Weeks R.I.	28.1.1932	Procession	90/32
123.	Ram Kishan S/o Debi Sahai Vaish	Rs. 20/- 1 month S.I.	5.6.1930	Picketing	60/30
124.	Ram Krishna	Personal bond of Rs. 200/- or two sureties of Rs. 200/- each/ 1 Yr. S.I. in default.	5.6.1930	Picketing	60/30

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1	2	3	4	5	6
125.	(Mst.) Ram Lubhai	$4\frac{1}{2}$ months S.I. Rs. 50/- 6 Weeks S.I. (Remark :- Female prisoners can also be provided with work in Jail)	20.10.1930	Picketing	406/30
126.	Ram Mohan Roy (a student under 22 yrs.)	3 months R.I. Rs. 50/- 1 month R.I.	9.8.1930	Picketing	311/30
127.	Ram Nath Dixit (a clerk in D.A.V. College)	3 months R.I. Rs. 50/- 1 month R.I.	28.8.1930	Picketing	311/30
128.	Ram Shanker	3 months R.I. Rs. 25/- 1 month R.I.	27.11.1930	144 C.R.P.C.	342/30
129.	Ram Swaroop (Master-Dictator)	(1) 6 months R.I. (2) 2 Yrs. R.I. Rs. 300/- 6 month R.I.	(1) 21.5.1930 (2) 26.1.1932	(1) Violation of salt Act (2) Procession	(1) 158/30 (2) 82/30
130.	Rangi Lal (Captain)	6 months R.I. Rs. 50/- 1 month R.I.	27.11.1930	188 IPC	341/30
131.	Ranvir	3 months R.I. Rs. 50/- 1 month R.I.	21.10.1930	Picketing	403/30
132.	Ritha Singh	9 months R.I. Rs. 25/- 6 Weeks R.I.	18.8.1932	CLAA Instigating people to join Congress.	530/32
133.	Rudra Dutt	6 months R.I. Rs. 50/- 6 Weeks R.I.	20.5.1932	Procession	12/32
134.	Rup Chand	3 months R.I. Rs. 25/- 1 month R.I.	27.11.1930	144 CRPC	342/30
135.	Sadanand (A sadhu-of Rishikesh)	2 Yrs. R.I. Rs. 50/- 3 month R.I.	14.1.1932	Seditious Meetings	50/32
136.	Sahdeo (18 Yrs.)	3 months R.I. Rs. 50/- 6 Weeks R.I.	28.1.1932	Procession	90/32
137.	Sangram singh	3 months R.I. Rs. 20/- 1 month R.I.	20.10.1930	Picketing	403/30
138.	Sant Lal (Pt.)	6 months R.I. Rs. 25/- 6 Weeks R.I.	21.5.1932	Sedition	440/32
139.	Sant Lal Brahmin	6 months R.I. Rs. 100/- 6 Weeks R.I.	1.2.1932	144 CRPC	92/32
140.	(Mst.) Saraswati Devi	3 months S.I. Rs. 75/- 6 Weeks S.I.	16.10.1930	Picketing	401/30
141.	(Mst.) Sarmada Devi Tyagi	$4\frac{1}{2}$ months S.I. Rs. 50/- 6 Weeks Remark:–Imprisonment Female prisoners can also be provided with work in Jail.	20.10.1930	Picketing	406/30
142.	Satyagrahi *(alias-* B.L. Srivastava)	6 months R.I. Remark:–This man was a notorious nuisance in Mussoorie in the endeavour to work up some kind of agitation during the visit of Pt. Motilal Nehru.	30.10.1930	Sedition	289/30
143.	Shambhu Lal	6 months R.I.	17.10.1930	Picketing	403/30

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1	2	3	4	5	6
144.	Shambhu Prasad	(1) 3 months R.I.+ 6 months R.I.× 4 In the appeal allowed to be released if the Magt. was satisfied but not released being in default of fine in another case. (2) 6 months S.I.	(1) 2.5.1931 (2) 30.4.1930	(1) Picketing. Procession (2) Violation of Salt Act	(1) 2/31 (2) 3/31
145.	Shamsher singh	3 months R.I.	14.7.1932	CLAA	8.32
146.	Shankar Lal	3 months R.I. + 1 Yr. R.I. × 4, Remark as above.	2.5.1931	Picketing. Procession	2/31
147.	(Mst.) Shama Devi	$4\frac{1}{2}$ months S.I. Rs. 50/- 6 Weeks S.I. Remark:–Imprisonment Female prisoners can also be provided with work in Jail.	20.10.1930	Picketing	406/30
148.	Sham Lal	3 months R.I. Appeal dismissed on	27.9.30 8.8.1930	Picketing	211/30
149.	Sham Lal S/0 Sita Lal Vaish	Bond for Rs. 500/- two sureties of Rs. 500/- each for one year.	28.3.1931	Sedition	172/31
150.	Sham sunder (a Juvenile)	5 Stripes in presence of the Magt. and let off.	28.3.1931	Sedition	172/31
151.	Sher Singh	Acquitted on a bond of Rs. 100/- promised not to take part in the Movement in future.	20.5.1932	Procession	12.32
152.	Shiv Nath	6 months R.I. Rs. 50/- 6 Weeks R.I.	16.10.1930	Picketing	401/30
153.	Shyam Lal	6 months R.I. Rs. 50/- 6 Weeks R.I.	16.10.1930	Picketing	401/30
154.	Sipahi Lal	4 months R.I. Rs. 100/- 2 months R.I.	4.7.1930	Pickeing	168/30
155.	Sita Ram	Apologised and released.	19.1.1932	Procession	59/32
156.	Siv Ram	6 months R.I. Rs. 20/- 1 month R.I.	17.10.1930	Picketing	403/30
157.	Sohan Lal Brahmin (18 Yrs.)	3 months R.I. RS. 50/- 6 Weeks R.I.	28.1.1932	Meeting	96/32
158.	Sohan Singh (17 Yrs.)	Rs. 50/- 6 Weeks R.I.	17.10.1930	Picketing	403/30
159.	Somendra Mohan Mukerji *(alias* Ashokanand)	(1) 6 months R.I. (2) 6 months R.I. Rs. 100/- 6 Weeks R.I. (3) 2 Yrs. R.I. Rs. 300/- 6 months R.I.	(1) 21.5.1930 (2) 26.2.1931 (3) 26.1.1932	(1) Violation of Salt Act (2) Boycott (3) Procession	(1) 158/30 (2) 97/30 (3) 83/32
160.	Sugam Lal	4 months R.I. Rs. 100/- 2 months R.I.	4.7.1930	Picketing	168/30
161.	Sunder Lal	Bond for Rs. 500/- two sureties for Rs. 500/- each for one Yr. In default to remain in Jail till he furnishes the sureties.	2.7.1930	Sedition	131/30
162.	Ude Sinha	6 months R.I.	30.6.1930	Violation of Salt Act	1/30

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1	2	3	4	5	6
163.	Vicharanand (Swami)	(1) 15 months R.I.+9 months R.I. (2) 6 months R.I. Rs. 50/- 6 Weeks R.I. (3) 6 months R.I. Rs. 25/- 6 Weeks R.I. (4) 6 months R.I. Rs. 100/- 6 Weeks+6 months R.I.+ 6 months R.I. Remark:–Swami Vicharanand does not appear to be a man of any status—He had neither any education nor has he any means of livelihood excepting the public charity. I think the question of classification does not arise and he is clearly and definately to be treated under class "C".	(1) 18.10.1925 (2) 11.12.1930 (3) 5.2.1931	Sedition Sedition Unlawful Instigation Sedition	4/25 180/30 45/31 599/32
164.	Vidyavart	6 months R.I.	21.5.1930	Violation of Salt Act	158/30
165.	(Mst.) Vijaymati	3 months S.I.	27.11.1930	144 CRPC	342/30
166.	Yadho Nath (17 Yrs.)	Rs. 50/- 6 Weeks R.I.	`17.10.1930	Picketing	403/30
167.	(Mst.) Yasoda Devi	32 months S.I.	27.11.1930	144 CRPC	342/30
168.	Zahar Singh	Rs. 50/- 2 months S.I. Remark:–If this goes on Rs. 100/- or 4 months R.I. to be the minimum. But sections of law which allow only S.I. are not of much use.	5.7.1930	Picketing	171/30

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INDIVIDUAL CIVIL DISOBEDIENCE MOVEMENT 1940–41

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INDIVIDUAL CIVIL DISOBEDIENCE MOVEMENT 1940-41

Sl. No.	Name	Sentence	Date of Conviction	Charge U/S	File No.
1	2	3	4	5	6
1.	Alla Diya	(1) 10 months R.I. 50/-2 months R.I. (2) 11 months R.I. Rs. 100/-/1 months R.I. (3) 4 months R.I. Rs. 50/-2 months R.I.	(1) 12-2-1941 (2) 15.2.1941	(1) DIR (2) DIR	(1) 173/41 (2) 178/41
2.	Amar Singh	1 yr. R.I.	30.4.1941	DIR	344/41
3.	Atma Ram Vaish (of Saharanpur)	4 months R.I. Rs. 100/-2 months R.I.	11.9.1941	DIR	290/41
4.	Atar Singh	1 yr. R.I. Rs. 200/-6 months R.I.	5.3.1941	DIR	223/41
5.	Aval Singh Rajput	3 months R.I. Rs. 30/-1 month R.I.	16.12.1941	DIR	223/41
6.	Babu Ram	18 months R.I.	31.3.1941	DIR	277/41
7.	Babu Ram	3 months R.I. Rs. 25/-1 month R.I.	27.10.1941	DIR	$56\frac{1}{2}$/41
8.	Babu Ram Tyagi (of Deoband)	3 months R.I. Rs. 40/-1 month R.I.	4.12.1941	DIR	1345/41
9.	Bachi Ram	Bond for Rs. 50/- one surety for Rs. 50/- or in default to appear in the Court to receive sentence.	18.3.1941	DIR	19/41
10.	Bakhtawar Singh	15 months R.I. Rs. 200/- /4 months R.I.	11.3.1941	DIR	232/41
11.	Baldeo Prakash	4 months R.I.	6.5.1941	DIR	57/41
12.	Baldeo Prasad Brahmin	8 months R.I. Rs. 20/-1 months R.I.	31.5.1941	DIR	154/41
13.	Banu Mal	1 yr. R.I.	10.1.1941	DIR	75/41
14.	Mst. Bhagwan Devi (of Saharanpur)	2 months R.I. Rs. 30/-1 months R.I.	4.12.1941	DIR	1390/41
15.	Bhagwan Singh Lohar	4 months R.I. Rs. 40/-/2 months R.I.	27.5.1941	DIR	147/41
16.	Bhawani Dutt	6 months R.I. Rs. 100/-4 months R.I.	8.2.1941	DIR	13/41
17.	Bhola	7 days R.I.	21.7.1941	DIR	602/41
18.	Bhuria Rajput	4 months R.I.	28.6.1941	DIR	185/41
19.	B.L. Verma	9 months R.I.	6.2.1941	DIR	162/41
20.	Budh Prakash	1 yr. R.I.	14.2.1941	DIR	179/41
21.	Budh Singh (S/O Lachman Singh Rajput)	5 months R.I. Rs. 75/-2 months R.I.	17.4.1941	DIR	113/41
22.	Budh Singh (Dom)	6 months R.I. Rs. 20/-1 months R.I.	17.5.1941	DIR	138/41
23.	Chabi Lal	1 yr. R.I.	3.2:1941	DIR	153/41
24.	Chander Bhan	Rs. 200/-/3 months R.I.	3.10.1941	DIR	1067/41
25.	Chander Mani (Pt.)	1 yr. R.I.	16.1.1941	DIR	93/41
26.	Charan Singh	Rs. 50/-1 month R.I.	16.1.1941	DIR	590/41

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1	2	3	4	5	6
27.	Chet Ram (Chela of Uria Baba of Rishikesh)	4 months R.I. Rs. 25/-1 month R.I.	17.4.1941	DIR	112/41
28.	C.R. Ram Krishna Pillai	3 months R.I.	29.11.1941	DIR	546/41
29.	Daleep Singh	20 months R.I. Rs. 100/-2 months R.I.	28.3.1941	DIR	274/41
30.	Daroop Singh	4 months R.I.	6.5.1941	DIR	57/41
31.	Dharam Deo Shastri	1 yr. R.I. Rs. 500/-6 months R.I.	9.4.1941	DIR	318/41
32.	Darshan Lal	(1) 10 months R.I. Rs. 100/--3 months R.I. (2) 4 months R.I. Rs. 100/-2 months R.I.	(1) 20.3.1941 (2) 5.5.1941	(1) DIR (2) DIR	81/41 134/41
33.	Daulat Singh	6 months R.I.	30.5.1941	DIR	429/41
34.	Daya Ram Saini (of Saharanpur)	3 months R.I. Rs. 50/-6 Weeks R.I.	11.9.1941	DIR	292/41
35.	Deopal Singh Rajput	5 months R.I. Rs. 75/-2$\frac{1}{2}$ months R.I.	8.4.1941	DIR	103/41
36.	Dharmanand	15 months R.I. Rs. 200/-4 months R.I.	10.3.1941	DIR	230/41
37.	Dharam Singh	1 yr. R.I. Rs. 25/-3 months R.I.	27.5.1941	DIR	70/41
38.	Dharam Singh Rajput	4 months R.I. Rs. 30/-2 months R.I.	31.5.1941	DIR	157/41
39.	Dhian Singh	4 months R.I. Rs. 50/-2 months R.I.	20.5.1941	DIR	143/41
40.	Durga singh	11 months R.I. Rs. 100/-1 month R.I.	3.5.1941	DIR	359/41
41.	Ganeshi Lal	3 months R.I.	29.11.1941	DIR	585/41
42.	Ganga Ram	16 months R.I.	12.3.1941	DIR	235/41
43.	Ghanshyam Singh	6 months R.I. Rs. 1000/-6 months R.I. appeal allowed Ordered to be released immediately sentence set aside on 8.12.1941.	24.6.1941	DIR	481/41
44.	Gobardhan	11 months R.I. Rs. 50/-1 month R.I.	6.5.1941	DIR	362/41
45.	Gobind Ram Pathak	1 yr. R.I.	12.1.1941	DIR	76/41
46.	Gorish Verma	1 yr. R.I. Rs. 50/-2 month R.I.	20.6.1941	DIR	80/41
47.	G.R. Bhatt	6 months R.I. Rs. 250/-6 months R.I.	8.2.1941	DIR	159/41
48.	Gulab Singh	9 month R.I. Rs. 50/-3 months R.I.	20.1.1941	DIR	100/41
49.	Gyan Chand	18 months R.I.	4.4.1941	DIR	289/41
50.	Hira Singh	19 months R.I. Rs. 200/-/3 months R.I.	25.3.1941	DIR	257/41

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1	2	3	4	5	6
51.	Hari Kishan	Tendered apology	4/5.2.1941	DIR	157/41
52.	Hari Ram	Rs. 200/-/3 months R.I.	3.10.1941	DIR	1101/41
53.	Har Ram Brahmin	3 months R.I. Rs. 50/-2- months R.I.	6.8.1941	DIR	218/41
54.	Hari Singh	Admonished and ; let off,	5.2.1941	DIR	157/41
55.	Hari Singh	Released after he admitted that he did not even understand the meaning of Satyagraha. He could neither read nor write.	29.7.1941	DIR	676/41
56.	Hari Singh (Thakur)	9 months R.I. Rs. 50/-/3 months R.I.	23.1.1941	DIR	118/41
57.	Harjeewan	6 months R.I. Rs. 75/-/3 months R.I.	20.3.1941	DIR	82/41
58.	Harnal Das	Rs. 200/-/3 months R.I.	3.10.1941	DIR	1069/41
59.	Har Swaroop	16 months R.I. Rs. 200/-/4 months R.I.	15.3.1941	DIR	238/41
60.	Hoshiar singh	4 months R.I. Rs. 75/-/3 months R.I.	5.5.1941	DIR	133/41
61.	Hoshiar (Chamar) (of Muzaffarnagar)	3 months R.I. Rs. 25/-/1 months R.I.	25.11.1941	DIR	1150/41
62.	HulasVerma	1 day S.I. Rs. 500/-/1 yr. S.I. Class 'B'	6.2.1941	DIR	160/41
63.	Inder Dutt	6 months R.I. Rs. 20/-20 days R.I.	2.6.1941	DIR	437/41
64.	Inder Singh	10 months R.I. Rs. 250/-/2 months R.I.	5.5.1941	DIR	57/41
65.	Jai Ram	Rs. 200/-/3 months R.I.	3.10.1941	DIR	1100/41
66.	Jai Singh	10 months R.I. Rs. 200/-/2 months R.I.	18.4.1941	DIR	320/41
67.	Joga Ram.	1 yr. R.I. Rs. 150/-/3 months R.I.	4.3.1941	DIR	212/41
68.	Joti Prasad	Investigations against the attachment to the property. the property was ordered to be released.	22.2.1941	DIR	116/41
69.	Kali Ram Thakur	2 months R.I. Rs. 25/-/1 month R.I.	30.5.1941	DIR	34/41
70.	Kallo Singh	3 months R.I. Rs 25/-/1 month R.I.	30.5.1941	DIR	34/41
71.	Kalyan Kumar	6 months R.I.	21.9.1940	DIR	531/40
72.	Karam Chand	3 months R.I. Rs. 300/-/4 months R.I.	2.6.1941	DIR	436/41
73.	Kedar Singh	3 months R.I.	7.12.1941	DIR	625/40
74.	Kevalanand (Swami of Rishikesh)	Acquitted Remark:- Merely asking people to make sacrifice for their country or to make it free is no crime.	20.3.1941	DIR	72.41

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1	2	3	4	5	6
75.	Khem Chand	9 months R.I. Rs. 50/-3 months R.I.	23.1.1941	DIR	119/41
76.	Khem Singh	18 months R.I. Rs. 200/-3 months R.I.	25.3.1941	DIR	253/41
77.	Khurshid Lal Vakil Dictator	1 yr. R.I. Class "B"	7.1.1941	DIR	3/41
78.	Khwaja Abdul Aziz	1 yr. R.I.	13.1.1941	DIR	78/41
79.	Kiran Chand	18 months R.I. Rs. 100/-2 months R.I.	2.4.1941	DIR	286/41
80.	(Mst) Kishan Devi Vaish (of Saharanpur)	2 months R.I. Rs. 30/-1 month R.I.	4.2.1941	DIR	1391/41
81.	Kishan singh Lohar	4 months R.I. Rs. 50/-2 months R.I.	27.3.1941	DIR	145/41
82.	K.K. Sinha	6 months R.I. Class "B"	21.9.1940	DIR	531/40
83.	Krishna Dutt (a cong. office bearer)	6 months R.I. Rs. 200/-6 months R.I.	8.2.1941	DIR	158/41
84.	Kunj Bihari (Chela of Sadhu chetan Saroop)	6 months R.I. Rs. 75/-3 months R.I.	27.5.1941	DIR	153/41
85.	Kundan Lal	1 yr. R.I.	17.1.1941	DIR	97/41
86.	Kunwar Singh Rajput	3 months R.I. Rs. 40/-6 Weeks R.I.	16.7.1941	DIR	200/41
87.	Lachi Ram	7 days R.I.	21.7.1941	DIR	591/41
88.	Lachman Singh	(Appeal by Mst. Tahari against confiscation of property)	6.3.1941	DIR	226/41
89.	Lachmi	1 yr. R.I.	28.2.1941	DIR	342/41
90.	Lala Ram	10 months R.I. Rs. 200/-2 months R.I.	18.4.1941	DIR	315/41
91.	Lalloo prasad	1 Week S.I.	30.7.1941	DIR	685/41
92.	Lal Singh	Rs. 200/-3 months R.I.	3.10.1941	DIR	1068/41
93.	Madan Singh	4 months R.I.	6.5.1941	DIR	57/41
94.	Madho Ram Brahmin	1 yr. R.I. Rs. 100/-3 months R.I.	1.4.1941	DIR	94/41
95.	Mahanand	6 months R.I. Rs. 100/-3 months R.I.	5.4.1941	DIR	92/41
96.	Mahavir Tyagi (President of the distt. Cong. Committee and Dictator of the War Council)	1yr. R.I.	28.11.1940	DIR	8.40
97.	Mohan Lal Brahmin	5 months R.I. Rs. 100/-3 months R.I.	5.4.1941	DIR	100/41
98.	Mohan singh	1 yr. R.I. Rs. 500/-3 months R.I.	26.3.1941	DIR	258/41
99.	Mutsaddi Lal (Lala)	Rs. 200/-8 months S.I. Appeal dismissed on 7.7.1941	21.10.1940	DIR	513/40
100.	Nain Singh	14 months R.I. Rs. 500/-4 months R.I.	6.5.1941	DIR	57/41

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1	2	3	4	5	6
101.	Narain dutt Dangwal	1 yr. R.I.	7.1.1941	DIR	67/41
102.	Narain Singh	4 months R.I. Rs. 200/-2 months R.I.	4.6.1941	DIR	443/41
103.	Narain singh	5 months R.I. Rs. 50/-2 months R.I.	17.5.1941	DIR	140/41
104.	Nar Deo	1 yr. R.I. Class "B"	13.1.1941	DIR	79/41
105.	Nathu	4 months R.I. Rs. 250/-3 months R.I.	25/4/1041	DIR	340/41
106.	Om Prakash (alias Bhimsen)	15 months R.I. Rs. 200/-4 months R.I.	10.3.1941	DIR	231/41
107.	Om Prakash (of Bareilly)	9 months R.I.; Class B	21.9.1940	DIR	556/40
108.	Padam Singh	4 months R.I. Rs. 100/-3 months R.I.	17.5.1941	DIR	142/41
109.	Padam Singh	16 months R.I. Rs. 200/-4 months R.I.	12.3.1941	DIR	236/41
110.	Padam Singh Rajput	3 months R.I. Rs. 30/-2 months R.I.	23.6.1941	DIR	177/41
111.	Pancham Singh Rajput	3 months R.I. Rs. 100/-3 months R.I.	4.6.1941	DIR	158/41
112.	Panna Lal	6 months R.I. Rs. 150/-3 months R.I.	12.3.1941	DIR	48/41
113.	Parmanand Trivedi. B.A. (of Patna)	1 yr. R.I. Class "B"	12.8.1940	DIR	449/40
114.	Parsu	4 months R.I. Rs. 30/-2 months R.I.	31.5.1941	DIR	155/41
115.	Phuku	3 months R.I. Rs. 25/-1 month R.I.	13.5.1941	DIR	45/41
116.	Phul Singh	3 months R.I.	2.9.1941	DIR	923/41
117.	Pitambur Dutt	8 days S.I.	7.6.1941	DIR	489/41
118.	Pitambur Dutt	9 months R.I. Rs. 75/-3 months R.I.	20.3.1941	DIR	77/41
119.	Piambur Dutt Brahmin (of Tehri State)	3 months R.I. Rs. 30/-1 month R.I.	28.7.1941	DIR	231/41
120.	Pooranchand Brahmin	3 months R.I. Rs. 30/- 1 months R.I.	28.7.19041	DIR	129/41
121.	Pooran Singh	5 months R.I. Rs. 75/- 3 months R.I.	21.4.1941	DIR	125/41
122.	Prabhu	6 months R.I.	4.3.1941	DIR	199/41
123.	Puran Chand	10 months R.I. Rs. 200/- 2 months R.I.	2.5,1941	DIR	349/41
124.	Puran Singh	1 Yr. R.I.	30.4.1941	DIR	343/41
125.	Raghbir Singh	Rs. 200/- 3 months R.I.	3.10.1941	DIR	162/41
126.	Ramjee Brahmin	4 months R.I. Rs. 25/- 1 month R.I.	4.6:1941	DIR	162/41
127.	Rameshwar Singh	(1) Acquitted but kept in confinement pending two other cases. (2) Acquitted (3) 3 months R.I.	(1) 4.11.1940 (2) 7.12.1940 (3) 7.12.1941	(1) DIR (2) DIR (3) DIR	(1) 627/40 (2) 663/40 (3) 625/40

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1	2	3	4	5	6
128.	Ram Ratan Verma	1 Yr. R.I.	15.9.1941	DIR	234/41
129.	Ram Saran	18 months R.I.	3.4.1941	DIR	285/41
130.	Ram Singh	11 months R.I. Rs. 100/- 1 month R.I.	3.5.1941	DIR	358/41
131.	Ram Swaroop	1 yr. R.I.	5.4.1941	DIR	290/41
132.	Rup Ram Singh	3 months R.I. Rs. 100/- 3 months R.I.	8.5.1941	DIR	29/41
133.	Saheb Singh (of Saharanpur)	3 months R.I.	11.91941	DIR	291/41
134.	Sant Lal	1 yr. R.I. The striking thing is that in the judgment the name of the accused is not mentioned. The judge, is hand-written by Mr. P.F. Barett, I.C.S. Mgt. I Class.	21.4.1941	DIR	324/41
135.	Sant Ram	6 months R.I.	23.5.1941	DIR	416/41
136.	Santosh Prasad	10 months R.I. Rs. 200/- 2 months R.I.	5.5.1941	DIR	361/41
137.	(Mst.) Saraswati Devi	6 months S.I. Rs. 500/- 6 months S.I.	27.3.1941	DIR	261/41
138.	Satendra Singh	10 months R.I. Rs. 250/- 2 months R.I.	5.5.1941	DIR	57/41
139.	Satyapal Gujar (of Saharanpur)	4 months R.I.	15.11.1941	DIR	1264/41
140.	Seva Ram	9 months R.I. Rs. 100/- 1 month R.I.	11.12.1941	DIR	161/41
141.	Sham Singh Rajput	3 months R.I. Rs. 30/- 1 months R.I.	6.8.1941	DIR	221/41
142.	Shankar Prakash	3 months R.I. Rs. 30/- 1 month R.I.	27.11.1941	DIR	244/41
143.	Shanti Prapanna Sharma (S/o Mahant Paras Ram of Rishikesh)	4 months R.I. Rs. 1000/- Appeal allowed, sentence set aside on 26.11.1941	27.8.1941	DIR	195/41
144.	Sher Singh Rajput	6 months R.I. Rs. 50/- 2 months R.I.	8.4.1941	DIR	98/41
145.	(Mst.) Shaima Devi	1 yr. S.I.	26.3.1941	DIR	259/41
146.	Shiam Singh	1 yr. R.I.	12.3.1941	DIR	233/41
147.	Shish Ram	9 months R. I. Rs. 50/- months R.I.	21.1.1941	DIR	99/41
148.	Shyam Singh	1 yr. R.I.	2.5.1941	DIR	348/41
149.	Shyam Sunder Lal	1 yr. R.I.	15.9.1941	DIR	104/41
150.	Sita Ram Brahmin	4 months R.I.	8.4.1941	DIR	104/41
151.	S.N. Puri	Acquitted	21.9.1940	DIR	531/40
152.	Sohan Lal Brahmin (18 years)	3 months R.I. Rs. 50/- 2 months R.I.	16.7.1941	DIR	196/41
153.	Somendra Mohan Mukerji	1 yr. R.I. + 1 yr. R.I. (to run concurrently class "B")	13.9.1941	DIR	593/40

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1	2	3	4	5	6
154.	Som Prakash (Pt.)	1 yr. R.I. Rs. 100/0	22.5.1940 3 months R.I.	DIR	46/41
155.	Sukhbir Singh	5 months R.I.	3.6.1941	DIR	439/41
156.	Sukhbir Singh Rajput	6 months R.I. Rs. 50/- 2 months R.I.	8.4.1941	DIR	105/41
157.	Sumer Chand	Rs. 200/- 3 months R.I.	3.10.1941	DIR	1070/41
158.	Surat Singh	8 months R.I. Rs. 250/- 4 months R.i.	3.2.1941	DIR	155/41
159.	Tara Chand	3 months R.I.	27.8.1941	DIR	218/41
160.	Tulsi Ram	10 months R.I.	19.5.1941	DIR	100/41
161.	Udaiveer	Rs. 50/- 1 month R.I.	29.7.1941	DIR	686/41
162.	(Mst.) Uma Devi w/o Ram Swaroop	4 months R.I. Rs. 50/- 2 months R.I.	11.11.1941	DIR	1160/41
163.	Yatendra Kumar	4 months R.I. Rs. 50/- 2 months R.I.	11.11.1941	DIR	1160/41
164.	Zalmu (Lohar) of Rishikesh	6 months R.I. Rs. 50/- 2 months R.I.	12.3.1941	DIR	62/41

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QUIT INDIA MOVEMENT

1942–43

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QUIT INDIA MOVEMENT 1942-43

Sl. No.	Name	Sentence	Date of Conviction	Charge U/S	File No.
1	2	3	4	5	6
1.	Amer singh	Rs. 50/- 2 months R.I.	12.3.1941	DIR	62/41
2.	Bachi Ram	(1) 6 months R.I. Rs. 50/- 3 months R.I. (2) 1 yr. R.I.	(1) 7.4.1943 (2) 8.4.1943	(1) DIR (2) DIR	(1) 342/43 (2) 963/43
3.	Badri	1 yr. R.I. Rs. 50/- 2 months R.I.	27.2.1943	DIR	462/43
4.	Baru Singh	9 months R.I.	25.3.1943	DIR	518/43
5.	Bishan Singh	6 months R.I. Rs. 50/- 2 months R.I.	1.3.1943	DIR	376/43
6.	Brij Lal	Acquitted	13.10.1942	DIR	584/42
7.	Budhi Prakash	1 yr. R.I. 3 months R.I. Rs. 50/- 3 months R.I.	19.1.1943	DIR	4/43
8.	Chet Ram Brahmachari	3 months R.I.	11.9.1942	DIR	1790/42
9.	C. Taylor	Rs. 500/- 3 months S.I.	2.10.1942	DIR	1790/42
10.	Deo Mitra (under 20 yrs.)	Rs. 50/- 2 months R.I.			
11.	Dharamvir	1 yr. R.I. Rs. 50/- 2 months R.I. Appeal against excessive punishment dismissed on 5.7.1943	9:3.1943	DIR	341/43
12.	Dharam Singh Rajput	1 yr. R.I. Rs. 50/- 2 months R.I.	27.3.1943	DIR	237/43
13.	Gendan Lal	6 months R.I. Rs. 50/- 2 months R.I.	7.4.1943	DIR	342/43
14.	Gorakh Singh	1 yr. R.I.+3 months R.I. Rs. 50/- 2 months R.I.	19.1.1943	DIR	398/43
15.	Har Saran Das Kambhoj	Rs. 300/- 4 months R.I.	30.11.1942	DIR	2512/42
16.	Inder Dutt	1 yr. R.I. Rs. 50/- 6 months R.I.	25.8.1943	DIR	342/43
17.	Kanti Narayan	6 months R.I. Rs. 50/- 3 months R.I.	7.4.1943	DIR	342/43
18.	Kishan Lal	9 months R.I. Rs. 50/- 3 months R.I,	25.3.1943	DIR	518/43
19.	Kishan Lal	9 months R.I. Rs. 50/- 2 months R.I. Appeal dismissed on 5.8.43	25.3.1943	DIR	518/43
20.	Kishan Lal Aryaveer	1 yr. R.I. Rs. 100/- 4 months R.I.	30.1.1943	DIR	239/43
21.	Kripal Singh	9 months R.I. Rs. 50/- 3 months R.I.	22.4.1943	DIR	340/43
22.	Lachman Prasad (under 20 yrs.)	9 months R.I. Rs. 100/- 3 months R.I. Appeal dismissed on 31.8.1943	27.1.1943	DIR	2286/42

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1	2	3	4	5	6
23.	(Mrs.) Le Roy	Rs. 200/- Appeal dismissed on 20.3.1943	12.1.1943	DIR	4/42
24.	Madan Lal	4 months R.I. Rs. 50/- 2 months R.I. (He was already in lockup for 4 months at the time of this conviction hence the punishment reduced).	31.12.1942	DIR	1879/42
25.	Madan Singh	1 yr. R.I. Rs. 100/- 3 months R.I.	22.1.1943	DIR	3/43
26.	Mukandi Lal	Rs. 80/- 1 Week S.I.	13.10.1942	DIR	584/42
27.	Nanak Chand	Surety of Rs. 200/- for 6 months from father or guardian.	16.11.1942	DIR	2059/42
28.	Nand Ram (under 20 years)	9 months R.I.	23.11.1942	DIR	2206/42
29.	Nathu Ram	9 months R.I. Rs. 100/- 5 months R.I. Appeal dismissed on 31.8.43	27.1.1943	DIR	2286/42
30.	Padam Singh	6 months R.I. Rs. 30/- 2 months R.I.	1.3.1943	DIR	399/43
31.	Padam Singh	1 yr. R.I. Rs. 50/- 2 months R.I. + 6 months R.I. Rs. 50/- 2 months (To run concurrently)	27.2.1943	DIR	462/43
32.	Parivartan Swami	6 months R.I.	11.9.1942	DIR	1790/42
33.	Phanku	1 yr. R.I. Rs. 100/- 6 months R.I.	19.8.1943	DIR	563/43
34.	Prabhu	(1) 4 months R.I. Rs. 50/- 2 months R.I.	11.9.1942	DIR	1758/42
		(2) 2 yrs. R.I. Rs. 100/- 6 months R.I.	19.8.1943	DIR	562/43
35.	Raja Ram	Discharged after recording Prosecution evidence u/s 253 Cr. Pc.	23.11.1942	DIR	2206/42
36.	Rajendra Singh (a minor)	Surety of Rs. 200/- for 6 months from father or guardian	16.11.1942	DIR	2059/42
37.	Ram Chandra	1 yr. R.I. Rs. 50/- 2 months R.I.+ 9 months R.I. Rs. 50/- 3 months R.I, (To run subsequently)	30.1.1943	DIR	239/43
38.	Ram Dutt Gupta	Discharged after recording the prosecution evidence.	31.12.1942	DIR	1879/42
39.	Rameshwar Das (a student of class XII of the D.A.V. College)	4 months R.I. Rs. 500/- 4 months R.I. Appeal dismissed. Only fine reduced to Rs. 50/-	18.12.1942	DIR	2147/42
40.	Rameshwar Dutt (a minor)	Surety of Rs. 200/- for 6 months from father or Guardian	16.11.1942	DIR	2059/42

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1	2	3	4	5	6
41.	Ratan Lal (under 20 yrs.)	Discharged after recording prosecution evidence.	23.11.1942	DIR	2206/42
42.	R. Tippin	Rs. 500/- 3 months S.I.	2.10.1942	DIR	267/42
43.	Rudri Dutt	1 yr. R.I. Rs. 30/- 2 months R.I.	18.11.1942	DIR	2205/42
44.	Sachchidanand Gupta	1 yr. R.I. Rs. 100/- 3 months R.I.+ 9 months R.i.	22.1.1943	DIR	3/43
45.	Satya Prakash	1 yr. R.I. Rs. 50/- 3 months R.I.	7.4.1943	DIR	342/43
46.	Sawan Singh	6 months S.I. Rs. 50/- 2 months S.I. (unfit for hard labour)	1.3.1943	DIR	376/43
47.	Sen Pal	6 months R.I. Rs. 30/- 2 months R.I.	1.3.1943	DIR	399/43
48.	Shankaranand Brahmachari	1 yr. R.I. Rs. 100/- 4 months R.I. + 9 months R.I. Rs. 50/- 3 months R.I. (To run subsequently)	30.1.1943	DIR	239/43
49.	Shanti Saroop Vakil	1 yr. R.I. (Rs. 250/- 3 months) R.I.	18.12.1942	DIR	2147/42
50.	(Mrs.) Shiama Devi	6 months R.I. Rs. 50/- 2 months R.I.	25.8.1943	DIR	655/43
51.	Sri Chand	6 months R.I. Rs. 50/- 2 months R.I.	31.12.1942	DIR	2029/42
52.	Sukhbir Singh	6 months R.I.	7.4.1943	DIR	342/43
53.	Sunder Lal	1 yr. R.I. Rs. 50/- 3 months R.I.	7.4.1943	DIR	342/43
54.	Surat Singh	1 yr. R.I. Rs. 50/- 2 months R.I.	27.3.1943	DIR	237/43
55.	Surat Singh	18 months R.I. Rs. 100/- 3 months R.I.	27.2.1943	DIR	2436/43
56.	Tarachand	9 months R.I. Rs. 100/- 3 months R.I.	27.1.1943	DIR	2286/42
57.	Trilok singh	Apologised and released	22.4.1943	DIR	340/43
58.	Zalmoon	2 yrs. R.I. Rs. 50/- 2 months R.I.	27.2.1943	DIR	398/43

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1. DISTRICT DEHRA DUN

IN THE COURT OF PT. BENI PRASAD MISRA

MAGISTRATE OF THE Ist CLASS

No.	Complainant	Accused	Offence charged, law applicable being quoted	Date of Institution in court
132	King Emperor	Pt. Narain Datt Dhingwal		29.4.30

JUDGMENT

The prosecution evidence consists of the statement of Iftikhar Husain, Head Constable, Sri Prakash, Ram Prasad and Kundan Lal, Sub Inspectors. It is proved that the Accused helped the Jattha in manufacturing illicit salt on 24th April, 1930. The prosecution evidence proves the guilt of the accused. The Accused pleads guilty and he disputes correctness of the police report exhibit 'A'. He makes a long sermon but in the end, he admits that he broke the salt law. He does not produce any defence. I find him guilty and convict him under sec. 9 (C) of the Salt Act. This is a deliberate attempt to break the salt law and to thwart the authority of the Govt. I give him maximum punishment. I order that Pt. Narain Datt Dhingwal shall be imprisoned simply for 6 months. This order shall be concurrent with the order of the imprisonment passed against him in the case No. 131.

Sd. Beni Prasad Misra,
Sub-Divisional Magistrate,
Dehra Dun.

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2. DISTRICT DEHRA DUN

IN THE COURT OF PT. BENI PRASAD MISRA

MIGISTRATE Ist CLASS

No.	Complainant	Accused	Offence charged, law applicable being quoted	Date of Institution in court
132	King Emperor	1. Hulas Verma 2. Pt. Narain Datt Dhingwal 3. Swami Vicharanand	Sec. 9 of Salt of Act XII of 1882	30.4.30

JUDGMENT

The prosecution evidence consists of the statement of B. Kundan Lal, Sub-Inspector of Police and Kirpa Ram Patwari. It is proved that the accused went on the 20th April, 1930 to Khari Khet to manufacture illicit salt. Swami Vicharanand delivered a lecture to break the salt law and purchased a puria of salt for Rs 5/- and gave help to the accused. He said that if this Jattha will be arrested, a second jattha will

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be sent. The prosecuton evidence proved the guilt of the accused. The accused plead guilty. Swami vicharanand says he acts according to his congress which is his Government. He does not consider the present Government, as Government and present court as court. He says that it is his duty to go against the law of the Government. Pt. Narain Datt Dhingwal says that he himself did not manufacture salt but he helped the Jattha in every way. They do not Produce any defence. I find them all guilty and convict them. Hulas varma under Sec 9 (a) of Act XII of 1882 and two other accused under clause (C) of the same section. They deliberately manufactured salt and thwarted the authority of the Government. I give maximum punishment. I order that Hulas Verma and Swami Vicharanand shall be imprisoned simply for 6 months and Pt. Narain Datt Dhingwal shall be imprisoned simply for 6 months. The order of punishment regarding Hulas Varma shall be concurrent with the order of simple imprisonment for 6 months passed in the case No. 130.

Sd. Beni Prasad Misra,
Sub-Div. Magistrate,
Dehra Dun.

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3. DISTRICT DEHRA DUN

IN THE COURT OF PT. BENI PRASAD MISRA

MAGISTRATE OF THE Ist CLASS

No.	Complainant	Accused	Offence charged, law applicable being quoted	Date of institution in court
	King Emperor	1. Nardeo Shastri 2. Pt. Narain Datt Dhingwal and 3. Swami Vicharanand	Sec. 9 (c) of the Salt Act of Act-XII of 1882.	29.4.30

JUDGMENT

The prosecution evidence consists of the statement of Sardar Durbara Singh Kotwal, Baqar Husain and Allah Bux. It is proved that on return of the Jattha of Hulas Verma, a meeting was held on the 21st April, 1930 on the Municipal Ground, Dehra Dun in which the accused gave a iecture and advocated the breaking of the salt law. The other witnesses prove the same. The prosecution evidence proves the guilt of the accused. The accused makes a long sermon and in the end admits that he told the people to purchase the illicit salt and to break the salt law. He does not give any defence. I find him guilty and convict him. This is a deliberate attempt to break the salt law and to thwart the authority of the Government. I give him maximum punishment. I order that the accused shall be imprisoned simply for 6 months.

Sd. Beni Prasad Misra,
Sub-Div. Magistrate,
Dehra Dun.

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4. DISTRICT DEHRA DUN

IN THE COURT OF PT. BENI PRASAD MISRA

MAGISTRATE OF THE Ist CLASS

No.	Complainant	Accused	Offence charged, law applicable being quoted	Date of Institution in court
	King Emperor	1. Ch. Behari Lal 2. Hulas Verma and 3. Mahavir Tyagi	Sec. 9 (c) of the Salt Act-VII of 1882.	29.4.30

JUDGMENT

The police evidence consisting of the statements of Mr. Charan Singh, Naib Tehsildar and B. Kundan Lal, Sub-Inspector of Police show that the accused manufactured illicit salt at Khari Khet on the 27th April, 1830. Mr. Charan Singh states that there were three Karahies placed on fire, Ch. Behari Lal was stiring the liquid with Khurcha exhibit no. 1 and the salt was prepared and dried by the accused. It is proved that it was illicit salt. The jattha was led by Ch. Behari Lal. The report exhibit 'A' is proved by B. Kundan Lal and there were 5 Canisters and 3 Karahies. He also proves exhibit 'B' The prosecution evidence proves the guilt of the accused. All the accused plead guilty and do not produce any defence. I find all the accused guilty and convict them under Sec. 9 (a) of Act XII of 1882. It is a deliberate act of making illicit salt and to thwart the authority of the Government. I therefore give them maximum punishment. I order that each of the accused Ch. Behari Lal, Hulas Varma and Mahavir Tyagi shall be simply imprisoned for 6 months. The articles connected with the manufacture of illicit salt shall be confiscated and sold. The salt (illicit) and the Kunda shall be destroyed.

Sd. Beni Prasad Misra,
Sub-Div. Magistrate,
Dehra Dun.

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5. DISTRICT DEHRA DUN

IN THE COURT OF PT. BENI PRASAD MISRA

MAGISTRATE OF THE Ist CLASS

No.	Complainant	Accused	Offence charged, law applicable being quoted	Date of institution in court
	King Emperor	1. Brahma Datt, 2. Swami Kewla Nand, 3. Bal Krishna, 4. Ram Swarup, 5. Vidya Vart, and 6. Somendra Mohan Mukherji *alias* Ashoka Nand.	Sec. 9 (c) of the Salt Act-VII of 1882.	29.4.30

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JUDGMENT

The prosecution story consisting of the evidence of Sardar Darbara Singh, Kotwal, shows that on 17th May, 1930 an announcement was made in the city on behalf of the Congress that salt would be manufactured on that day in the kutcherry compound in the noon. He enquired into the matter and came to the kutcherry. At about 1.30 P.M. a jattha numbering about 16 or 17 volunteers came towards the kutcherry. They had Congress flags with them. It was headed by Kewala Nand, Brahma Datt and one other man. The other accused also were with the jattha. They were told to stop at the gate of the kutcherry and not to manufacture illicit salt there. The Tehsildar, Dehra Dun, the circle Inspector and Mr. Smith, I.C.S., were there and they tried their level best to persuade the jattha not to do the act, but the jattha insisted and said that they would manufcture illicit salt. It was finally decided by the jattha to manufcture illicit salt. They pierced through the police force and entered the kutcherry compound. The assembly was held to be unlawful assembly by Mr. Smith, I.C.S, and they were ordered to disperse, but they did not do so. They had with them a karahi, a canister containing water and other paraphernalia including wood for making illicit salt . They were going to manufacture illicit salt. Before they were allowed to do so, they were arrested and the articles for making the illicit salt were seized. The Kotwal verifies the report exhibit 'A'. All the accused plead guilty. Bal Krishna, however, files in English a writing which is put on the file. He also admits the offence. They do not produce any defence and have nothing to say further. I find all the accused guilty and convict them under Section 9 (C) Salt Act, XII of 1882. The leniency which was shown in the order of the first jattha was not heeded by this jattha. They not only defied the authority of the Government in manufacturing illicit salt, but they did so defiantly and inspite of warnings, and did not pay any heed to them and made preparation for manufacturing illicit salt, in the kutcherry compound. Their offences are therefore more serious and do not deserve any leniency. I order that in view of the circumstances of the case, each of the accused namely Brahma Datt, Swami Kewla Nand, Bal Krishna, Ram Swarup, Vidya Vart and Somendra Mohan Mukherji shall be rigorously imprisoned for 6 months. Karahi, canister, angithi, kufgir and woods shall be confiscated and sold and the rest to be destroyed.

Sd. Beni Prasad Misra,
Sub-Div. Magistrate,
Dehra Dun.

21st May, 1930.

Remark : Seen. and verified
Sd. Illegible
Magistrate
28.5.30

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6. DISTRICT DEHRA DUN

IN THE COURT OF PT. BENI PRASAD MISRA

MAGISTRATE OF THE Ist CLASS

No.	Complainant	Accused	Offence charged, law applicable being quoted	Date of institution in court
	King Emperor	Kishan Chand	9 (C) Salt Act, Act-XII of 1882.	29.4.30

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JUDGMENT

The prosecution story consisting of the statement of Qazi Mohammad Akram, Circle Inspector, shows that after the arrest of the first jattha at about 1.30 p.m. another jattha of which the accused was the leader came in the compound of katchehry to manufacture illicit salt there on the 17th May, 1930 at about 3.30 p.m. There were about 12 to 15 men in the jattha. They said that they had come to manufacture illicit salt in the kutchehry compound. The Tahsildar of Dehra Dun was present and he dissuaded the accused from doing so, but the accused insisted and were about to manufacture the illicit salt there. They had with them karahi, tin and some wood. There were about 300 to 400 men as spectators. The Tahsildar told the people that they had formed an unlawful assembly and told them to disperse, but they paid no heed to it. They prepared chulha to manufacture illicit salt. Several questions were asked from the witness about cruel and borbarous treatment to women and children of Dehra Dun but the witness said that the allegations were all untrue and that he himself did not beat any volunteer nor a volunteer was beaten in his presence. The story is duly proved. Kishan Chand Singhal who is the student of the D.A.V. College, Dehra Dun and was the commander of the jattha was arrested by the police. The accused made a long statement but does not prove the facts. He has no defence to make. His age is 18 years and is not a minor. I find the accused guilty and convict him under Section 9 (C) Salt Act, Act, XII of 1882. The leniency which was shown in the first prosecution of the Jattha was not heeded by this jattha. This jattha not only wanted to defy the authority of the Government in manufacturing illicit salt but did so defiantly and did not pay any heed in spite of the warning and entered the kutcherry compound by force. The accused therefore does not deserve any leniency. Taking in view the circumstances of the case, I order that the accused Krishna Chand Singhal shall be rigorously imprisoned for six months. The Kunda, tin and wood shall be confiscated and sold.

Sd. Beni Prasad Misra,
Sub-Div. Magistrate,
Dehra Dun.

21st May, 1930.

Remark : Seen. Sound.
Sd. Illegible
Magistrate
28.5.30

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7. SUMMARY TRIAL NO. 60 OF 1930

IN THE COURT OF F.L. SMITH, JOINT MAGISTRATE OF DEHRA DUN

1.	Date of commission of offence	4.6.30
2.	Date of report or complaint	5.6.30
3.	Name of complainant, if any	K.E.
4.	Name, parentage and residence of accused	Gur Parshad, S/o Narain Datt
5.	Offence complained of	32 Police Act.
6.	Value of property in cases under clause (d), (e), (f), or (g) sub-section (1), Section 260, Criminal Procedure Code	
7.	Offence proved	32 Police Act.
8.	Plea of accused and his examination, if any	The accused pleads not guilty.

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9.	The finding and in case of conviction a brief statement of reasons therefor ; the sentence or other final order ; and date of termination of proceedings:	The Kotwal, Sardar Darbara Singh says that he went to the Ashley Building where he found the accused picketing shops. He told him to move as he was causing obstruction but he refused to do. The accused was standing in front of the shop. The shopkeepers had complained about the obstruction. The accused produces no defence. I find the offence proved and fine him Rs. 20/- in default one month's S.I. Sd. F.L. Smith 5-6-30

Remark : Seen. Sd. Illegible
Magistrate 14/4

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8. SUMMARY TRIAL NO. 60 OF 1930

IN THE COURT OF F.L. SMITH, JOINT MAGISTRATE OF DEHRA DUN

1.	Date of commission of offence	4.6.30
2.	Date of report or complaint	5.6.30
3.	Name of complainant, if any	K.G.
4.	Name, parentage and residence of accused	Khushi Ram, S/o Ram Kishan, Dehra Dun.
5.	Offence complained of	32 Police Act.
6.	Value of property in cases under clause (d), (e), (f), or (g) sub-section (1), Section 260, Criminal Procedure Code	
7.	Offence proved	32 Police Act.
8.	Plea of accused and his examination, if any	The accused pleads guilty.
9.	The finding and in case of conviction a brief statement of reasons therefor ; the sentence or other final order ; and date of termination of proceedings.	The accused admits offence of obstruction in front of Ashley Buildings and disobedience of Police Orders requiring him to move away. I find him guilty and fine him Rs. 10/-, in default one month's S.I. Sd. F.L. Smith 5-6-30

Remarks : Seen
Sd.- Illegible
Magistrate 14/6

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9. SUMMARY TRIAL NO. 60 OF 1930

IN THE COURT OF F.L. SMITH, JOINT MAGISTRATE OF DEHRA DUN

1.	Date of commission of offence	4.6.30
2.	Date of report or complaint	5.6.30
3.	Name of complainant, if any	K.E.
4.	Name, parentage and residence of accused	Amru, s/o Makmal
5.	Offence complained of	32 Police Act.
6.	Value of property in cases under clause (d), (e), (f), or (g) sub-section (1), Section 260, Criminal Procedure Code	
7.	Offence proved	32 Police Act.
8.	Plea of accused and his examination, if any	The accused pleads guilty.
9.	The finding and in case of conviction a brief statement of reasons therefor ; the sentence or other final order ; and date of termination of proceedings.	The accused admits offence of obstruction in front of Ashley Buildings and disobedience of Police Orders requiring to move. I find him guilty but as he is a mere boy. I simply warn him not to repeat the offence and inflict no fine.

Remarks : Seen
Sd. Illegible
Magistrate 14/6

Sd. F.L. Smith
5/6/30

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10. SUMMARY TRIAL NO. 60 OF 1930

IN THE COURT OF F.L. SMITH, JOINT MAGISTRATE OF DEHRA DUN

1.	Date of commission of offence	4.6.30
2.	Date of report or complaint	5.6.30
3.	Name of complainant, if any	K.E.
4.	Name, parentage and residence of accused	Amru, s/o Makmal
5.	Offence complained of	32 Police Act.
6.	Value of property in cases under clause (d), (e), (f), or (g) sub-section (1), Section 260, Criminal Procedure Code	
7.	Offence proved	32 Police Act.
8.	Plea of accused and his examination, if any	The accused pleads guilty.
9.	The finding and in case of conviction a brief statement of reasons therefor ; the sentence or other final order ; and date of termination of proceedings.	The accused admits the offence of obstruction in front of Ashley Buildings. I find him guilty and fine him Rs. 10/-. in default one month's S.I.

Remarks : Seen
Sd. Illegible
Magistrate 14/6

Sd. F.L. Smith
5/6/30

UP State Archives: Lucknow

11. SUMMARY TRIAL NO. 60 OF 1930

IN THE COURT OF F.L. SMITH, JOINT MAGISTRATE OF DEHRA DUN

1.	Date of commission of offence	4.6.30
2.	Date of report or complaint	5.6.30
3.	Name of complainant, if any	K.E.
4.	Name, parentage and residence of accused	Kulanand, S/o Sri Ram
5.	Offence complained of	32 Police Act.
6.	Value of property in cases under clause (d), (e), (f), or (g) sub-section (1), section 260, Criminal Procedure Code	
7.	Offence proved	32 Police Act.
8.	Plea of accused and his examination, if any	The accused pleads guilty.
9.	The finding and in case of conviction a brief statement of reasons therefor; the sentence or other final order; and date of termination of proceedings.	The accused admits the offence of obstruction in front of Ashley Buildings and disobedience of Police Order to move on. I find him guilty and fine him Rs. 20/-, in default one month's S.I.

Remarks : Seen
Sd. Illegible
Magistrate 14/6

Sd. F.L. Smith
5/6/30

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12. SUMMARY TRIAL NO. 60 OF 1930

IN THE COURT OF F.L. SMITH, JOINT MAGISTRATE OF DEHRA DUN

1.	Date of commission of offence	4.6.30
2.	Date of report or complaint	5.6.30
3.	Name of complainant, if any	K.E.
4.	Name, parentage and residence of accused	Bhunesha Prasad, S/o Misri Lal, Garh
5.	Offence complained of	32 Police Act.
6.	Value of property in cases under clause (d), (e), (f), or (g) sub-section (1), section 260, Criminal Procedure Code	
7.	Offence proved	32 Police Act.
8.	Plea of accused and his examination, if any	The accused pleads guilty.

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9. The finding and in case of conviction a brief statement of reasons therefor; the sentence or other final order; and date of termination of proceedings. — The accused pleads guilty, admits the offence of obstruction in front of Ashley Buildings and disobedience of Police Order to move on. I find him guilty and fine him Rs. 10/-, in default one month's S.I.

Remarks : Seen
Sd. Illegible
Magistrate 14/6

Sd. F.L. Smith
5/6/30

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13. SUMMARY TRIAL NO. 60 OF 1930

IN THE COURT OF F.L. SMITH, JOINT MAGISTRATE OF DEHRA DUN

1.	Date of commission of offence	4.6.30
2.	Date of report or complaint	5.6.30
3.	Name of complainant, if any	K.E.
4.	Name, parentage and residence of accused	Ram Kishan, S/o Debi Sahai Vaish, Dehra Dun.
5.	Offence complained of	32 Police Act.
6.	Value of property in cases under clause (d), (e), (f), or (g) sub-section (1), section 260, Criminal Procedure Code	
7.	Offence proved	32 Police Act.
8.	Plea of accused and his examination, if any	The accused pleads guilty.
9.	The finding and in case of conviction a brief statement of reasons therefor; the sentence or other final order; and date of termination of proceedings.	The Kotwal, Sardar Dharba Singh says that he went to the Ashley Building when he found the accused picketing shops. He told him to move, as he was causing obstruction but he refused to do so. The accused was standing in front of the shop. The shopkeepers complained to the witness of the obstruction. The witness arrested him. The accused after cross examining the witness says that he does not wish to produce defence. I find the offence proved, and fine him Rs. 20/- in default on month's S.I.

Remarks : Seen
Sd. Illegible
Magistrate 14/6

Sd. F.L. Smith
5/6/30

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14. SUMMARY TRIAL NO. 60 OF 1930

IN THE COURT OF F.L. SMITH, JOINT MAGISTRATE OF DEHRA DUN

1.	Date of commission of offence	4.6.30
2.	Date of report or complaint	5.6.30
3.	Name of complainant, if any	K.E.
4.	Name, parentage and residence of accused	Chandi Pershad, S/o Narotam
5.	Offence complained of	32 Police Act.
6.	Value of property in cases under clause (d), (e), (f), or (g) sub-section (1), section 260, Criminal Procedure Code.	
7.	Offence proved	32 Police Act.
8.	Plea of accused and his examination, if any	The accused pleads guilty.
9.	The finding and in case of conviction a brief statement of reasons therefor; the sentence or other final order; and date of termination of proceedings.	The Kotwal, Sardar Dharaba Singh says that he went to the Ashley Building when he found the accused picketing shops. He told him to move, as he was causing obstruction but he refused to do so. The accused was standing in front of the shop. The shopkeeper complained about the obstruction. The accused produce no defence. I find the offence proved, and fine him Rs. 10/- in default one month's S.I.
	Remarks : Seen Sd. Illegible Magistrate 14/6	Sd. F.L. Smith 5/6/30

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15. SUMMARY TRIAL NO. 60 OF 1930

IN THE COURT OF F.L. SMITH, JOINT MAGISTRATE OF DEHRA DUN

1.	Date of commission of offence	4.6.30
2.	Date of report or complaint	5.6.30
3.	Name of complainant, if any	K.E.
4.	Name, parentage and residence of accused	Chandan Singh, S/o Dahji Singh.
5.	Offence complained of	32 Police Act.
6.	Value of property in cases under clause (d), (e), (f), or (g) sub-section (1), section 260, Criminal Procedure Code	

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7.	Offence proved	32 Police Act.
8.	Plea of accused and his examination, if any	The accused pleads guilty.
9.	The finding and in case of conviction a brief statement of reasons therefor; the sentence or other final order; and date of termination of proceedings.	The Kotwal, Sardar Dharaba Singh says that he went to the Ashley Building where he found the accused picketing shops. He told him to move as he was causing obstruction but he refused to do so. The accused produce no defence. I find the offence proved, and fine him Rs. 10/- in default one month's S.I.

Remarks : Seen

Sd. Illegible

Magistrate 14/6

Sd. F.L. Smith

5/6/30

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16. SUMMARY TRIAL NO. 60 OF 1930

IN THE COURT OF F.L. SMITH, JOINT MAGISTRATE OF DEHRA DUN

1.	Date of commission of offence	4.6.30
2.	Date of report or complaint	5.6.30
3.	Name of complainant, if any	K.E.
4.	Name, parentage and residence of accused	1. Darshan Lal, S/o Dila Ram 2. Chajju Ram S/o Udai Ram, Ambala 3. Mahendra Singh S/o Gulab Singh
5.	Offence complained of	32 Police Act.
6.	Value of property in cases under clause (d), (e), (f), or (g) sub-section (1), section 260, Criminal Procedure Code	
7.	Offence proved	Sec. 32 Police Act.
8.	Plea of accused and his examination, if any	The accused (1) pleads not guilty. The accused (2) pleads not guilty. The accused (3) pleads not guilty.

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9. The finding and in case of conviction a brief statement of reasons therefor; the sentence or other final order; and date of termination of proceedings.

The Kotwal, Sardar Dharaba Singh says that he went to the Ashley Building where he found the accused picketing shops. He told him to move as they were causing obstruction but he refused to do so. The accused produce no defence. I find the offence proved, and fine him Rs. 10/- in default one month's S.I.

Remarks : Seen
Sd. Illegible
Magistrate 14/6

Sd. F.L. Smith
5/6/30

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17. JUDGMENT

Abdur Rahman is prosecuted under section 9 of the Salt Act for illegally manufacturing salt at Kharakhet on 1.6.30. For the prosecution Yusuf Ali, a constable, has stated that he accompanied a 'jattha' led by Swami Keolanand, which the accused was member. He saw the accused actually engaged in the illegal manufacture of salt at Kharakhet, bringing fuel and water, and lighting a fire. About six seers of salt were made. On 2.6.30 the jattha returned. M. Baka Husain of the C.I.D. states that he accompanied this jattha as far as Bindal Bridge, and recognised the accused as one of its members. On 2.6.30 the jattha returned to Dehra and he saw the accused auctioning salt.

The accused admits that he illegally manufactured salt at Kharakhet on 1.5.30. The prosecution has established fact of the case. The accused has deliberately broken the law. I find Abdul Rahman guilty of offence under section 9 of the salt act and sentence him to six months rigorous imprisonment. This sentence will be served concurrently with the sentence already passed on him as co-accused with Nisar Ahmed under the same act.

Seen.
Sd. Illegible
Magistrate 14/6

F.L. Smith
1st Class Magistrate
10.6.30

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18. JUDGMENT

Abdur Rahman and Nisar Ahmed are prosecuted under section 9 of the Salt Act for illegally manufacturing salt at Kharakhet on 19.5.30. For the prosecution Gulam Husnain, a constable who accompanied the jattha of which the accused were members has stated that the accused took part in the illegal manufacture of about a seer of salt, and that he saw them bringing fuel and water, lighting a fire and preparing the salt. The jattha was led by one Baban Beg. Baka Husain of the C.I.D. says that he saw the jattha leaving Dehra on 18.5.30 and that the two accused were members of it. On 2.6.30 the jattha returned and he then saw both the accused auctioning the salt.

Both the accused admit that they illegally manufactured salt as the prosecution allege. The commission of the offence has been clearly proved. The accused have deliberately broken the authority. I find Rahman and Nisar Ahmad guilty under section 9 of the Salt Act and sentence each of them to six months rigorous imprisonment.

Seen.
Sd. illegible
Magistrate

F.L. Smith
1st Class Magistrate
10.6.30

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19. SUMMARY TRIAL NO. 60 OF 1930

IN THE COURT OF F.L. SMITH, ESQR. I.C.S. MAGISTRATE OF DEHRA DUN

1.	Date of commission of offence	2.7.30
2.	Date of report or complaint	2.7.30
3.	Name of complainant, if any	K.E.
4.	Name, parentage and residence of accused	Zahar Singh.
5.	Offence complained of	Sec. 32 Police Act.
6.	Value of property in cases under clause (d), (e), (f), or (g) sub-section (1), section 260, Criminal Procedure Code	
7.	Offence proved	Sec. 32 Police Act.
8.	Plea of accused and his examination, if any	The accused says that no one told him to move. He admits that he was picketing. He produces no defence.
9.	The finding and in case of conviction a brief statement of reasons therefor; the sentence or other final order; and date of termination of proceedings.	

ORDER

Fazal Husain constable 69 says that he was on duty outside Ahmad Jan's shop which the accused with other congress volunteers was engaged in picketing and that he and his friends were consequently causing obstruction in the road and inconvenience to passersby. The constable ordered him to move on but he refused to do so and declined to give either his name or his address. The accused admits that he was picketing, but denies that the constable told him to move. He produces no defence and I see no reason to disbelieve the constable. There has been extensive picketing of Ahmad Jan's shop during the past days and I am satisfied that not only did he obstruct the roadway along with his friends but he also disobeyed the constable's order to move. I find him guilty and fine him Rs. 50/- in default two months' S.I.

Remark : Seen — F.L. Smith

Sd. Illegible — Jnt. Magistrate

Magistrate — 5.7.30

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20. SUMMARY TRIAL NO. 172 OF 1930

IN THE COURT OF F.L. SMITH, ESQR. I.C.S. MAGISTRATE OF DEHRA DUN

1.	Date of commission of offence	2.7.30
2.	Date of report or complaint	2.7.30
3.	Name of complainant, if any	K.E.
4.	Name, parentage and residence of accused	Badri Prashad
5.	Offence complained of	Sec. 32 Police Act.
6.	Value of property in cases under clause (d), (e), (f), or (g) sub-section (1), section 260, Criminal Procedure Code	—

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7.	Offence proved	Sec. 32 Police Act.
8.	Plea of accused and his examination, if any	The accused says that no one told him to move and that he was struck on the neck. He admits that he was picketing.
9.	The finding and in case of conviction a brief statement of reasons therefor; the sentence or other final order; and date of termination of proceedings.	

ORDER

Fuzal Husain constable on duty says that he was on duty outside Ahmad Jan's shop which the accused alongwith other Congress Volunteers was picketting and that they were by their picketing methods causing obstruction in the road and inconvenience to passersby. The accused admits that he was picketing, but denies that the constable told him to move and alleges that he was struck by the police. He produces no defence. I am convinced that not only the accused was picketing the roadway and causing inconvenience to passerby but that he deliberately disobeyed the constable's order to move. I find him guilty and fine him Rs. 50/- in default two months' S.I.

Sd. F.L. Smith

Remark : Seen. 5.7.30

If this goes on Rs. 100/- or 4 months in lieu to be the minimum but sections of law which only allow S.I. are not of much use.

Sd. Illegible. Magst. 8.7.

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21. SUMMARY TRIAL NO. 173 OF 1930

IN THE COURT OF F.L. SMITH, ESQR. I.C.S. MAGISTRATE OF DEHRA DUN

1.	Date of commission of offence	2.7.30
2.	Date of report or complaint	2.7.30
3.	Name of complainant, if any	K.E.
4.	Name, parentage and residence of accused	Kula Nand
5.	Offence complained of	Sec. 32 Police Act.
6.	Value of property in cases under clause (d), (e), (f), or (g) sub-section (1), section 260, Criminal Procedure Code	—
7.	Offence proved	Sec. 32 Police Act.
8.	Plea of accused and his examination, if any	The accused refuses to plead. Has no defence.
9.	The finding and in case of conviction a brief statement of reasons therefor; the sentence or other final order; and date of termination of proceedings.	

ORDER

Fazal Husain constable 69 armed police, says that he was on duty outside Ahmed Jan's shop, which the accused with others was engaged in picketing and that on account of the picketing he and his

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fellow volunteers were obstructing the road and causing inconvenience to passersby. He ordered the accused to move, but he refused to do so and would not give either his name or address. The accused refuses to make any statement. I accept the constable's story. Ahmad Jan's shop has been the scene of intensive picketing during the last few days. I am satisfied that the accused and his friends by their method of picketing obstructed the road and interfered with the passage of passersby, and that he refused to obey the order of the constable that he should move on. I find him guilty and fine him Rs. 50/- in default two months' S.I.

Remark : Seen. — F.L. Smith

Sd. Illegible — Magistrate

Magistrate — 5.7.30

8/7

22. ORDER

It has come to my notice that Congress Volunteers picketing liquor and cloth shops are carrying Kukries or other arms. I am of the opinion that the carrying of such weapons is likely to lead to a disturbance of the Public tranquility. I therefore order under section 144 of the Criminal Procedure Code that all Congress picketters within the limits of the Kotwali Police Circle of Dehra Dun abstain from the carrying of Kukries or other arms for a period of two months from this date.

Sd. F. L. Smith
Sub-Div. Magistrate
Dehra Dun.
9.6.30

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23. SUMMARY TRIAL NO. 60 OF 1930

IN THE COURT OF F.L. SMITH, JOINT MAGISTRATE OF DEHRA DUN

1.	Date of commission of offence	11.7.30
2.	Date of report or complaint	11.7.30
3.	Name of complainant, if any	K.E.
4.	Name, parentage and residence of accused	Narain Singh, S/o Dalip Singh.
5.	Offence complained of	188 I.P.C.
6.	Value of property in cases under clause (d), (e), (f), or (g) sub-section (1), section 260, Criminal Procedure Code	—
7.	Offence proved	188 I.P.C.
8.	Plea of accused and his examination, if any	The accused admits that he was carrying a Kukri.
9.	The finding and in case of conviction a brief statement of reasons therefor; the sentence or other final order; and date of termination of proceedings.	

ORDER

The accused Narain Singh is prosecuted for disobeying order passed U/S 144 Cr. P.C. by the District Magistrate and the sub-divisional Magistrate. The Kotwal Sardar Dharbara Singh, says that he proclaimed the order Ex. A1, and A2 by beat of drum and by fixing them to sign boards. In defiance of the

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orders the accused was carrying a Kukri while engaged in picketing the shop of Ahmad Jan. Mohammed Mahmud Siddiqi, Sub-Inspector and Ahmad Jan both state that the accused was wearing a Kukri while picketing. The accused admits that he was carrying a Kukri. The orders U/S. 144 Cr.P.C. were passed on 9.6.30 and were in force on the date of offence 11.7.30. They were passed as a precautionary measure as it was considered that the wearing or carrying of sticks, lathis, Kukris and other weapons by picketters was likely to lead to obstruction, annoyance and injury to the public, to cause danger to human safety and to disturbance of the public tranquility. The accused has clearly disobeyed those orders. I find him guilty and holding that his disobedience tended to cause danger to human safety I sentence him to three months R.I.

Sd. F. L. Smith
Joint Magistrate
15.7.30

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24. JUDGMENT

Four prominent Congress workers, Mether Sen, Kedar Nath, Kishan Datt and Gur Prasad are prosecuted under section 157 I.P.C. for harbouring in premises under their control persons engaged for unlawful assemblies.

The facts of the case are that since May 1930 Congress volunteers have been engaged, in an intensive campaign of picketing of liquor, cigarette and foreign cloth shops in Dehra. These volunteers have been recruited, maintained and organised by the Congress Committee, whose office is situated in "Kriya Karam". On three separate occasions batches of these picketers were declared by the police to be unlawful assemblies and on their refusal to disperse were arrested and afterwards convicted. On one occasion a batch of volunteers enroute to attack the Dhursana Salt Factory was declared an unlawful assembly, arrested, and later convicted. As the result of Congress activity in this district the District Magistrate of Dehra issued on 17.7.20 warrants to the police to search the office of the Congress Committee and the houses and shops of Mittra Sen and Kedar Nath in pursuance of an enquiry for the offence under section 157 I.P.C. Registers, records and certain correspondence were seized, and the four accused were arrested shortly afterwards.

The prosecution has set out to establish the facts that the four accused are chief office bearers of the Congress Committee in Dehra that they have at the Congress Office for the past three months subscribed and organised volunteers for picketing shops and other forms of Congress activities hat they did so knowing fully that these volunteers were to become members of unlawful assemblies as soon as they in obedeience to instructions, obstructed the public with their peculiar methods of picketing, and thus caused the intervention of the police. The prosecution produces evidence both oral and documentary to show that Mither Sen is President of the Congress Committee, that Kedar Nath is Treasurer, that Gur Parshad is Secretary and that Krishan Datt is Dictator of the War Council, and that the Congress committee of which they are all the leaders has maintained for some time past a large number of volunteers, fed, clothed, and trained them, that such volunteers have been convicted under section 32 Police Act, under section 143 I.P.C. and under section 145 I.P.C. since the beginning of June, i.e. as members of unlawful assemblies, and the accused have rendered themselves liable to conviction under section 157 I.P.C.

Qazi Mohammed Akram, Circle Inspector, (P.W.I.) says that on receiving a search warrant issued by the District Magistrate he carried out a search of the Congress Office in 'Kiria Karam' on 18.7.30, in the presence of search witnesses, two of the accused Kishan Datt and Gur Parshad, and many other Congress volunteers. He recovered a number of papers and a quantity of stores and clothes and entered them in lists Exhibits B and C which he shows. He also recovered two most important registers Exhbits D and E, one of which contains the names of all volunteers receiving daily rations from the Congress Kitchen, with the names of those volunteers who have been sent for picketing and another contains details of rations

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that they recovered and the number of other Exhibits F1 to F6 and Exhibit G and from a perusal of these letters it is clear that the accused hold the Chief Offices in the Congress Committee. Chunni Lal Patwari, proves his signature made on recovery lists in the capacity of a search witness.

Sardar Dharbara Singh, Kotwal (P.W.2) gives evidence regarding his search of Kidar Nath's house and shops, which he made in the presence of M. Bokhari and Abdul Majid. He recovered various letters Exhibits 11 to 14. He proves the convictions of twelve picketters under section 32 Police Act on 5.6.30, of four others under the same section on 5.7.30 and of fourteen picketters on 4.7.30 under section 245 I.P.C. He proves the copies of reports against picketing made at the Kotwali between 1.7.30 and 22.7.30. He proves that in register Exhibit D are noted the names of volunteers who have been sent to jail as members of unlawful assemblies. He proves certain letters to have been written in their capacity of Office bearers by the accused. He mentions that picketing has been intensive in the Paltan Bazar. M. Bokhari proves his signature on the recovery list in his capacity as a search witness.

M. Mohammed Husain, Sub Inspector (P.W.5) gives similar evidence regarding his search of the house and shop of Mither Sen, conducted in the presence of search witnesses, M. Ghayub Khan and B. Tiloki Nath and Mether Sen's accountant. He recovered certain papers and prepared recovery list Exhibit I which was signed by the search witnesses. He found the letter Exhibit L1 in which mention of Mither Sen as President of the Cogress Committee is there. He also states that he attended a meeting at which Gur Parshad spoke in support of Congress Policy. M. Ghayub Khan proves his signature on the recovery list Exhibit L and on the letters Exhibit L1.

Further evidence regarding the activities of the accused in the Congress cause is given by B. Tiloki Singh, Sub Inspector, C.I.D. (P.W.6) who says that in July the accused held the chief offices of the Congress Committee, whose headquarters are in 'Kria Karam'. He says that Gur Parshad stated himself to be Secretary at the time of search. He has satisfied himself that the volunteers are maintained and trained at the Congress Office. He proves that thirteen District Volunteers were convicted under section 147 IPC at Godhra on 9.6.30. Ram Parshad Naik (P.W.9) says that he has been recording notes at Congress meetings, and proves that at a meeting held on 3.5.30 at Darshan Darwaja, after the conviction of Mahabir Tyagi, the accused Mither Sen was elected President at a meeting held on 20.7.30 after the arrest of Kedar Nath, Gur Prashad and Krishan Datt, reference was made to these three men as treasurer, Secretary, and Dictator respectively.

The case for the prosecution is completed by the evidence of Hakim Ibn Husain (P.W.7) and Mohammed Jan (P.W.8). The first proves that Kedar Nath in his capacity as a Secretary, addressed a letter to him, and the second proves that as a result of extensive picketing of his shop he made a complaint to the police. The prosecution has put forward a most convincing case. It has been conclusively proved that each of the four accused hold a commanding position in the Congress Committee. The evidence regarding the searches, shows that the Congress office is in fact the training ground and source of livelihood for a large number of Congress volunteers, whose professed purpose is to picket liquor, cigarette and foreign cloth shops and to break the salt laws. For three of these volunteers, some of whome are recorded in the register Exhibits D as having been sent to jail, have been convicted of offences which imply that they have been members of unlawful assemblies. It is a perfectly reasonable assumption to make that the four accused were fully aware that every time they sent out these volunteers, maintained, fed and clothed by them as officers of the Congress Committee to picket shops in the city, these volunteers were running the risk of being arrested as members of an unlawful assembly on account of their intolerable methods of picketing.

The accused have no defence. They file a so-called written statement, which is merely a Congress manifesto and has no bearing on the case. They appear to take the view that these proceedings are directed against the Congress Committee as an unlawful assembly which is not the case. As they have been undoubtedly advised by certain legal practitioners during the course of the trial it is certain that this ignorance of the charge against them is merely pretended. I consider the case against them under section 157 IPC has been proved to the hilt. I find all four accused guilty under that section. Regarding punishment, it

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is clear that the volunteers comprising the various unlawful assemblies which have taken place have been encouraged throughout by the accused, their leaders. I therefore take a serious view of the offence committed by the accused. I sentence each of them to six months R. I. In addition I fine Mether Sen who is a well-to-do man, Rs. 200/- in default a further two months R.I.

Remark : Seen. Most convincing
Sd. Illegible
Magistrate
3.8.30

F.L. Smith
First class Magistrate
1/8/30

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25. APPEAL

DISTRICT DEHRA DUN,

In the Court of F.L. Smith, Magistrate Ist Class, Dehra Dun. Case no. 221 of 1930

Under section 147/448/330/426 I.P.C.

P.S. Kotwali, Dehra Dun.

State *Vs.* Gyan Chand and others.

Decided on 8.8.1930

Copy of Judgment dated 8.8.1930

JUDGMENT

Five Congress men, villagers of Doiwala, are charged under section 147, 448, 380 and 426 I.P.C. Their names are Gyan Chand, Sham Lal, Ishwar Chand, Nathu Ram and Hira Lal. The prosecution alleges that on 19.4.30 the accused entered the Doiwala Liquor shop which they and other Congressmen had been picketing, abused the vendor Kirpa Ram, seized and broke a number of bottles containing liqour and took away other bottles, the motive being to punish Kirpa Ram for failing to close his shop. The salesman, Relumal went to Dehra and lodged a report at the Thana as the result of which a sub Inspector on the same day visited Doiwala, made an inquiry and recovered a bottle of liqour from the possession of Shyam Lal. The accused deny the charges and put forward another version of the affair. They say that owing to the intensive picketing of the liquor shop the licencee had been put to severe loss and becoming desperate made a false complaint to the police in order to incriminate his persecutors. They alleged that in order to free himself from the social boycott to which he had been subjected he agreed in a panchayat never to sell liquor outside his shop or to sell at unauthorised hours. It was suspected however that despite his promise he was still evading the picketing in these ways, and on the morning of 19.7.30 the son of his salesman, the accused allege, was detected in the act of taking a bottle away from the shop with the intention of selling it outside the premises. The boy was followed by two volunteers who eventually stopped him and he thereupon threw away the bottle and ran off. The volunteers picked up the bottle and took it to Shyam Lal, who then went to the liquor shop, showed it to Kirparam, remonstrated with him and handing the bottle to him, told not to break his promise again. The licensee would not accept the bottle and meanwhile his salesman, Relumal brought out some bottles from the shop and deliberately broke them outside,after which he went off to Dehra to lodge a false complaint. Shyam Lal kept the bottle and gave it to the sub-Inspector when he arrived in the afternoon.

These are the two versions of the affair. The prosecution evidence consists of the statement of Kirpa Ram, Relumal, Faquira and the sub-Inspector Mr. Ganga Prasad. The defence produced four villagers to prove that Sham Lal took the bottle of liquor to Kirpa Ram and that Relumal deliberately broke the bottles himself, and one other villager solely to prove that Kirpa Ram agreed not to sell liquor outside his

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shop in return for which the social boycott against him was lifted. It is not denied by the accused that they and their friends have been intensively picketing Kirpa Ram's shop for the past two or three months. It is not denied that the sub-Inspector found broken bottles lying outside the shop or that Sham Lal, Kirpa Ram gave him the full bottle of liquor (Exhibit-1). On the contrary, they seek to prove that these facts are merely part and parcel or their story.

Kirpa Ram and Relumal have stated the facts as I have given them above. It is important to note that both definitely swear that Relumal brought 4 Gallons of liquor on 18.7.30 from Dehra Warehouse. This Liquor was bottled by Relumal the next morning shortly before the accused came to the shop, and the bottles were placed in front of the shop. Both licencee and salesman say that the accused tried to bully them into resigning after which they broke some bottles and took others away. Faquira, the only other witness of the occurrence says that he saw a quarrel going on at the liquor shop as he was passing. He saw some broken bottles lying about but he cannot say how they had been broken. He identifies the accused as persons present at the shop. Mr. Ganga Prasad states that he found broken bottles lying about and that when he went to the Congress office close by the shop, Sham Lal gave him the bottle (Exhibit-I).

The defence puts forward the following points for consideration. The first is that there is no independent witness for the prosecution to prove that the accused broke and stole the bottles. Both Kirpa Ram and Relumal are interested persons, while Faquira is not able to prove how the bottles were broken. Secondly, that guilty man would not have left the broken bottles, the evidence of their crime, lying about for hours until the sub-Inspector discovered them. Thirdly, that the action of Sham Lal in handing the bottle of liquor to the Sub-Inspector was not that of a guilty man. Fourthly that Kirpa Ram's admission in cross-examination that shortly before the incident the social boycott had ceased gives colour to the story that he had made a promise in the panchayat not to sell outside his shop; and that there is nothing improbable in the accused's version of the affair.

As regards the defence witnesses, Qalam Singh, a Congress man says that Kirpa Ram promised not to sell liquor outside his shop and that goes on to describe how the Saleman's son threw away the bottle and how later on Relumal himself broke the bottles. Musaddilal describes this later incident, but denies that any other person beside Sham Lal was near the shop at the time. Jauri, who also describes the incident, says however, that there were 15 to 20 men standing outside the shop. Beni Prasad, a young volunteer aged about fifteen says that he followed the salesman's son Hirdey Ram, stopped him, picked up the bottle which he had thrown down and took it to Sham Lal.

Dealing now with the points raised by the defence, it is true that the prosecution evidence is limited in quantity. It is urged by the defence that the prosecution should have produced some of the twenty to twenty five persons who Kirpa Ram says were standing by the shop if its case is a true one. But it has been all cited in cross examination that the villagers are practically all Congressmen. Doiwala is in fact a stronghold of the Congress Party. For nearly three months picketing of the liquor shop has been intensive. In addition to this the unfortunate licensee has found himself socially boycotted. In these circumstances, I think it is not at all unreasonable to suppose that the prosecution has found it extremely difficult to secure witnesses to testify against the accused and I do not attach much importance to this point raised by the defence.

With regard to the second point raised, namely, that the subsequent actions of the accused were not those of guilty persons, it is important to note that between the time of complainant's departure to Dehra and the arrival of the sub-Inspector there was ample time for the accused to have concocted their version of the affair. It was indeed a splendid opportunity for them to escape the consequences of their act by inventing a story which would discredit their adversary, the licensee. It has been argued by the prosecution with much force that there was no earthly reason why Kirpa Ram should not have taken back the bottle if he had been detected in the act of evading the Congress restrictions and incidently of breaking the excise laws. I think it highly justifiable that he would have been only too thankful to accept the bottle, make his peace with the Congressmen and hold his tongue. Moreover, it seems to me extraordinary thing that Sham Lal should

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have taken away the bottle after Kirpa Ram's refusal to take it. If, as he says, he merely warned Kirpa Ram not to sell liquor outside his shop in future, that was utterly no reason why he should not have left the bottle at the shop. None of the accused has explained why it was that Sham Lal carried off the bottle after Kirpa Ram's refusal to take it and why it was still in the Congress office when the Sub Inspector arrived.

It is certain that the licensee and his nephew, the salesman have been strenuously opposed by almost the entire village. In these circumstances, I cannot believe that they would have the daring to invent their story when they must have known that scores of persons would at once have come forward to refute it. I attach much importance to the fact that both Kirpa Ram and the accused agree that shortly before the incident the Congressmen had ceased to boycott Kirpa Ram socially, in view of this fact, I think it highly improbable, that Kirpa Ram and his nephew would have deliberately thrown away their chances of living on easier terms with their opponents by fabricating a false charge against them. It is significant that when the Sub Inspector arrived at Doiwala, none of the defence witnesses volunteered to place before facts of the defence version. If Kirpa Ram's story was false one this was the time when these true facts of the case should have been revealed but not a hint was given to the sub-Inspector, it appears.

Kirpa Ram, the provious day had received a consignment of liquor from Dehra. This fact has not been rebutted by the defence. It supplies a motive for the attack on his shop. The licensee says that the accused asked him why he had brought in fresh liquor and demanded from him his resignation. It is highly probable that angered by his refusal to give that resignation, and finding that their efforts to close his shop by picketing had so far failed, the accused broke and stole the bottles

The accused have not satisfactorily explained how it has that the bottle of liquor was found in the Congress office. It does not follow that because Sham Lal gave up the bottle to the sub-Inspector that he was innocent. He may have feared a search and thought it more politic to anticipate it. It is possible that the bottle was deliberately produced in order to give colour to the version told to me in court. I am not content to accept the statements of the defence witness. If the prosecution witnesses are few the defence witnesses are certainly interested. Beni Prasad and Qalam Singh are both Congressmen, and obviously, their statements are to be accepted with the greatest of caution. There is every reason to suppose that the other witnesses coming from the predominantly Congress village of Doiwala are in sympathy with the acused. The witnesses who are said to have seen Sham Lal take the bottle to Kirpa Ram and to have seen Relumal's breaking the bottles are at sea regarding the number of persons present at the shop at this time. Jauri and Musaddi Lal definitely contradict ech other on this point.

Whether Kirpa Ram made a promise not to sell liquour outside his shop seems immaterial to me. He denies having made one but even if he did I do not see how it affects the case. The other circumstances lead me to the conclusion that he is not uttering a false story. The accused seem to have been inspired by sheer vindictiveness against this unfortunate licensee and now when he had been compelled to invoke the aid of the police, he is charged with having fabricated a case against his persecutors. I refuse to believe that these harassed looking men, uncle and nephew would have deliberately sacrificed all chances of social happiness in their village by a flatant and stupid act such as they are alleged to have committed. On the other hand there is every reason to support that it was only when matters reached a climax that they plucked up sufficient amazo to make a complaint to the police.

I accept the prosecution story. The accused are in my opinion all equally guilty of the offences of committing mischief by breaking liquor bottles, of theft of liquor bottles, of house tresspass, and as there were five of them, of rioting. The bottle Exhibit 1 was recovered from the Congress office and if Sham Lal was the person who gave it up, the other accused are clearly his accomplices. Moreover, it has been proved that they all took part in the seizing and carrying off of the other bottles which have not been recovered. I convict them and sentence each of them to three months R.I. on each count, the sentences to run concurrently.

Sd. F. L. Smith,

Magistrate 1st Class.

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26. ORDER

Whereas Jugal Kishore, son of Chintamani, Brahmin, of village Dakra, thana Garhi, in this district, who was convicted by Mr. F. L. Smith, Joint Magistrate of Dehra, on 18.7.1930 and sentenced to one years simple imprisonment under section 108 (a)/118 Cr. P.C. for making seditious speeches in this district, has now forwarded through the superintendent of the Shahjahanpur Jail a written apology for what he has done, asking for pardon, promising that he will never in future take part in any political movements, picketing or similar agitation and asking that he be released and allowed to go home. I, now, under section 124 (1) and (3) Cr. P.C. order that he be discharged on his agreeing in writing to the following conditions :—

(1) That he will not during the remainder of the period for which he was ordered to give security indulge in any picketing, agitation or similar political activities.

(2) That he will remain in his village of Dakra for the same period, or should he leave it, notify his whereabouts to the police.

He has already agreed to (1), and if he agrees to (2) the superintendent of the Shahjahanpur jail will kindly send him to Dehra for executing a written agreement and for release. A copy of this order will then go to the Superintendent of police with the request that if the said Jugal Kishore breaks this agreement at any time during the period referred to above, he will kindly report to me for immediate cancellation under section 124 (5) of his discharge, whereupon the said Jugal Kishore will be immediately arrested under section 124 (6) and produced before me.

Sd. Illegible. I.C.S.

District Magistrate.

Dehra Dun

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27. APPEAL

In the Court of the Sessions Judge of Saharanpur. Present : Mr. I.B. Mundle Esqr. I.C.S. Sessions Judge.

The 27th of September, 1930

Criminal appeal No. 84 of 1930.

1. Gyan Chand	2. Sham Lal	3. Ishwar Chand
2. Nathu Ram	5. Hira Lal	Convicts appeallants.

Versus

King Emperor ... Respondent.

Appeal from the judgment of F.L. Smith Esqr. I.C.S. Magistrate, first class Dehra Dun, dated the 9th of August, 1930, sentencing each convict appellant to 3 months R.I. on each of the three counts of charges under sections 147, 448, 426 of 380 I.P.C. sentences to be concurrent.

Pleaders :—

For the Crown. The Government Pleader.

For the Appellant.

JUDGMENT

The five appellants in this case Gyan Chand, Shamlal, Ishwar Chand, Nathu Ram and Hira Lal have been convicted of offences under sections 426, 448, 380 and 147 I.P.C. and sentenced to three months' R.I. on each count, the sentences to run concurently.

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The prosecution case is that Kripa Ram has liquor shop in village Doiwala. Intensive picketing of the shop by Congressmen was going on and on 19.7.1930 the five appellants went to the shop, abused Kirpa Ram, broke a number of bottles containing liquor and took away some of the bottles. When the police made an enquiry a bottle full of liquor was found in the house of one of the appellants Sham Lal. The prosecution story is supported by Kirpa Ram, his salesman Relu Mal and by the investigating officer. The reference is that Kirpa Ram was socially boycotted and that the ban was lifted when Kirpa Ram promised not to sell liquor outside the premises. It is said that on the day in question Kirpa Ram sent his son out with a bottle of liquor, some of the Congressmen detected him and took him with the bottle to Sham Lal, that Sham Lal went to Kirpa Ram and remonstrated and was returning the bottle but Kirpa Ram refused to take it back, that thereupon Sham Lal went away with the bottle to his house.

The story given in defence appears to be improbable. It is alleged that Relu Mall himself broke some of the bottles for fabricating a false case. If Kirpa Ram was already loosing money over the shop there were no reason for him to waste some of the liquor which he had just purchased the day before. If Kripa Ram was sending a bottle of liquor away from the shop he was acting against the rules. As observed by the Trying Magistrate he should have been glad to have recovered the bottle instead of being reported to the Excise authorities. Appellants had a motive for committing the assault. Inspite of the picketing Kirpa Ram had the courage to get a fresh supply from Dehra Dun. This must have enraged them and so they committed the riot. If, as alleged by the defence, Kirpa Ram had refused to take back the bottle of liquor there was no reason for Sham Lal to have taken it away with him. He might very well have left the bottle behind in Kripa Ram's shop. The reason appears to be that Sham Lal was elated by his triumph and was carrying away the bottle as a trophy. The boycott of Kripa Ram had just ceased and there was no reason for him to have further estranged the Congressmen by instituting a false case. He could not possibly have hoped that by sending a few men to jail his business would revive. Kirpa Ram had further to contend against the difficulty that no witnesses would come forward to support the case. He would certainly have not rushed to court unless as the Magistrate observes, matters had reached a climax. It is in evidence that practically the whole of the village consists of Congressmen. Even if there are a few who do not belong to the Congress, they would naturally be afraid to come forward and depose in Kripa Ram's favour. This would explain the fact why there is no witness to support his case except his salesman.

I agree with the Trying Magistrate that the prosecution story is a true one and hold that the witnesses were rightly believed by him. The sentence does not err on the side of severety and I dismiss the appeal.

Sd. I. B. Mundle

I.C.S.,

Sessions Judge

27.9.30

Seen to C. C.

Sd. Illegible

Superintendent

Dehra Dun

13.10.30

Seen

Sd. Illegible

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28. APPEAL

In the Court of the Sessions Judge of Saharanpur.

Present : I. B. Mundle Esqr. I. C. S. Sessions Judge.

The 13th of October 1930.
Criminal Appeal no. 76 of 1930.
Mittar Sen Convict appellant

Versus

King Emperor Respondent.

Appeal from the judgment of F.L. Smith Esqr. I.C.S. Magistrate, first class of Dehra Dun dated the 1st of August, 1930, sentencing each convict appellant to 6 month's R. I. and to pay a fine of Rs. two hundred under section 157 I.P.C.

Pleaders :—

For the Crown. The Government Pleader.

For the Appellant : B. Durga Prasad.

JUDGMENT

Mitter Sen and three other officers of the Congress Committee at Dehra Dun have been convicted under section 157 I.P.C. and sentenced to six months' R.I. each. Mitter Sen has been further ordered to pay a fine of Rs. 200/-. He alone of all the convicted men has preferred an appeal.

It is proved from the evidence that the Congress committee maintained, fed, clothed "volunteers" in Dehra Dun in a house which is called "Kirya Karam". Intense picketing of shops was started since May, 1930 and batches of volunteers were declared on several occasions to be unlawful assemblies and on their refusal to disperse were arrested and convicted. Appellant was accordingly sent up under section 157 I.P.C. as the president of the Congress Committee.

It is urged in appeal that the house in question is open to the public. Of this, however, there is no evidence. The mere name "Kiriya Karam" does not negative the prosecution story that the house was occupied by the Congress Committee and was under their control. Articles of food and clothing were found there together with a number of registers and papers. It is also urged that appellant is not responsible for maintaining the volunteers. It is proved from the evidence of Ram Pershad that in a meeting on 3.5.1930 appellant was elected President of the Committee. The paper (Exh. L) recovered from the premises also proves that appellant is the President of the Congress Committee. The Committee is responsible for keeping volunteers and appellant being one of its principal officers must share that responsibility. It is further urged by appellants' learned pleader that there is nothing to prove that the volunteers were about to be employed as members of an unlawful assembly. It is in evidence that 14 of the volunteers entered in the register which was recovered from the premises were convicted under Section 143 I.P.C. on 9.6.1930. The volunteers were being specially engaged for picketing purposes and when so employed would be members of an unlawful assembly as their object was at least to commit an offence of wrongful restraint under Section 339 I.P.C. Picketing to be in any degree successful cannot be peaceful and appellant, in view of the previous convictions of Congress volunteers, must have known that they were not using peaceful methods.

For the above reasons appellant has in my opinion been rightly convicted and I dismiss the appeal.

Sd. I. B. Mundle
I. C. S.
Sessions Judge.
13.10.30

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29. APPEAL

District Dehra Dun,

IN THE COURT OF F. L. SMITH MAGISTRATE, 1st CLASS, DEHRA DUN

Case No. 401 of 1930. P. S. Kotwali.

State *Vs.* Raj Darshan Singh & others.

Under Section 4 of Ordinance I of 1930.

Decided on 16.10.30.

Copy of Judgment

JUDGMENT

Six Congress workers, Raj Darshan Singh, Guna Nand, Chaju Ram, Shiva Nath, Shyam Lal and Mst. Sarswati Devi are prosecuted under section 4 of Ordinance V of 1930 for molesting would be purchasers of cloth at a number of shops in Dehra Bazar on 18th, 19th, 20th and 21st. of September, 1930.

The case was instituted upon a report in writing (Exhibit A) made by the Kotwal of Dehra, Sardar Darbara Singh (P.W. 1) who received information regarding the offence from two members of the D.I.S. Naik Ram Parshad and Head Constable Bakar Husain, supplemented by knowledge derived from Sub-Inspector Trilok Singh of the D.I.S. and other witnesses. The Kotwal proves his report Exhibit A in which he chalans the six accused, a report which was based upon those of the D.I.S. Exhibits B, C, D and E, and the results of his own investigations.

Head Constable Baqar Husain (P.W. 3.) proves his two reports Exhibits C and E. He orally implements them by stating that on 18th, 19th, 20th and 21st. September, 1930 he saw all six accused along with others engaged in picketing the cloth shops of Jhandu Mal, Har Parshad, Kishan Brothers, Prem Lal, and others. The accused were stopping persons from buying cloth. He received complaints about their conduct from Mukha, Dina and Ala Bux, customers at the shops.

Naik Ram Parshad of the D.I.S. (P.W.4) gives similar evidence, and proves his reports Exhibits B and D. Sub-Inspector Babu Trilok Singh of the D.I.S. (P.W. 2) corroborates the evidence of his subordinates. Three men Dina, Ala Bux and Mukha, have proved that they were prevented from buying cloth by picketers among whom were the accused. Dina recognises all the accused except Guna Nand as among those persons who stopped him outside Jhandu Mal shop. Ala Bux recognised Raj Darshan Singh, Shyam Lal and Chajju Ram as among those picketers who molested him at the same shop, while Mukha who was obstructed at the shop of Har Parshad has recognised Chajju Ram, Raj Darshan Singh and Shiv Nath. All these witnesses went to buy cloth between the 18th and 21st of September.

All six accused have flatly refused to reply to the questions put to them, whether or not they obstructed customers at certain cloth shops on the dates in question. Chajju Ram, his daughter Mst. Sarswati Devi, and Guna Nand have declined to take any part in the proceedings. All have refused to sign their statements. They do not offer any defence. It has been proved beyond doubt that they have all committed the offence of molestation, as defined under section 3 of the ordinance. Obstructing persons who wished to make purchases at cloth shops. I find them all guilty of molestation under section 4 of the Ordinance V of 1930.

As regards punishment I make some differentiation. Raj Darshan Singh is a young student aged 18 years. I have little doubt that he has been led astray by older members of his party. I therefore sentence him on account of his age to three (3) months R.I. and a fine of Rs. 50/- only. Mst. Sarswati Devi is sentenced to three months (3) S. I. and a fine of Rs. 75/-. I sentence Chajju Ram, Shiv Nath, Shyam Lal, and Guna Nand to Six (6) months R.I. and a fine of Rs. 50/- each as I see no reason to deal leniently with them. In default all will undergo six weeks imprisonment, rigorous in the case of the men, simple in the case of the women.

Sd. F.L. Smith

Jt. Magistrate.

16.10.30

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30. JUDGMENT

Thirteen Congress volunteers are prosecuted under section 4 of Ordinance V of 1930 for molestation of persons wishing to enter cloth shops at Ashley Buildings, Dehra Dun on 8.10.30. Their names are Khushi Ram, Ranvir, Shri Ram, Mohan Singh, Kanhaiya Singh S/o Sher Singh, Sangram Singh, Partab Singh, Sohan Singh, Kanhaiya Singh S/o Gopal, Shambu Lal, Madan Singh, Arjan Singh and Yadho Nath.

The prosecution case against the accused consists of the evidence of S. Dharbara Singh, Kotwal of Dehra, Mr. A.S. Bacon, Mrs. Gordon, and Mr. Ortiger. About 6 p.m. on 8.10.30 Mr. Bacon who is Reserve Inspector of Police, Dehra, but was at the time in plain clothes, went with his wife to buy cloth from the shop of Hasamal, silk merchant, in the Ashley Buildings, which contains a number of shops catering chiefly for European residents of Dehra. One of the accused, whom Mr. Bacon recognises as Sambu Lal, attempted to prevent him fom entering the shops. There were five other Congress picketters outside the shop. Mr. Bacon pushed him aside, and entered the shop where he found Mr. Ortiger, manager of the Royal Hotel and Mrs. Gordon, who lives at these quarters. Mr. Bacon then went to the Jewellers Ltd. and telephoned to the Kotwal, informing him that picketing was going on at Ashley Building. The Kotwal, accompanied by a Sub-Inspector arrived on the scene shortly afterwards, and a number of Constables also came along. The Kotwal warned the thirteen accused, some of whom were picketing Hasamal's shop, and some Ausi's shop, close by, not to picket, but they would not obey him, telling him that they were not going to allow the public to buy cloth from these shops. Mr. Bacon pointed out picketters to him, and he therefore had them all arrested. After taking the statements of witness, he made a report in writing regarding the offence. (Exhibit A.)

The Kotwal (P.W. 1) has proved his report (Exhibit A.) challanning the thirteen accused and given evidence regarding the part played by him on the evening of 8.10.30. Mr. Bacon (P.W. 2) has stated what he saw happening at the shop of Hasamal. He says that besides the six picketters at this shop, one of whom he recognises as Shambu Lal the man he had to move out of his way, there were about the same number at Ausi's shop, in the same buildings. Mrs. Gordon (P.W. 3) gives evidence regarding the picketing at both shops. She says that at Ausi's shop she was stopped by a picketter who implored her not to enter. She adds that his attitude became aggressive and that she had difficulty in entering the shop.

She went to Hasamal's shop, where she saw Mr. Bacon moving a picketter, who however returned to his post later. Mr. Bacon telephoned to the police. Mr. Ortiger (P.W. 4) states that he and his wife drove up in a car to Hasamal's shop to buy cloth. He saw five or six picketters with flags, and one of them asked him not to buy anything 'for the cause of India'. He took no notice of him and entered. A picketter went up to his wife who was in the car, and requested her similarly not to enter the shops.

The accused give various replies to the question put to them, whether or not they obstructed persons wishing to enter the shops in question on 8.10.30. Kanhaiya Singh S/o Sher Singh, Sangram Singh, Partab Singh, Sohan Singh, Kanhaiya Singh S/o Gopal, Shabbu Lal and Arjun Singh either deny having committed the offence or say they know nothing about the matter. Madan Singh admits that he was picketing and that he asked people not to buy from the shops. The rest are merely defiant and either say they do not wish to make statements or that they do not recognise the Court; one adds that the only court he recognise is that of Mahatma Gandhi. None of the accused has any defence to offer. There is no doubt in my mind that the accused have committed the offence of molestation as defined in Section 3 of Ordinance V of 1930. The evidence of Mr. Bacon (P.W. 2) shows that he was compelled to make his way by force through the picketters at Hasamal's shop. The man actually escorting him was Shambu Lal, but there were others with him who there is little reason to doubt, were actually abetting him. Mrs. Gordons'evidence shows that she, too met with obstruction ad had great difficulty in entering Ausi's shop. Mr. Ortiger (P.W. 4) has stated that he was merely requested not to enter Hasamal's shop, and says in cross-examination that he was not actually obstructed. It must be conceded that obstruction connotes something physical; a mere

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request not to buy foreign cloth does not constitute the offence of obstruction though when accompanied by loitering it does constitute that of molestation as in this case. It is pretty certain that for some reasons the picketters dealt more tactfully with Mr. Ortiger than with the other witnesses. It is no less clear that in the case of Mrs. Gordon and Mr. Bacon there was definite obstruction: the former positively says that she had great difficulty in entering the shop while the latter had to put a picketter aside in order to enter. I see no reason to disbelieve their statements; both they and Mr. Ortiger are reliable witnesses. The fact that only one picketter, Shambu Lal, has been indentified by the prosecution in no way absolves the remaining twelve accused. There is the evidence of the Kotwal that he arrested all the picketters stationed at two shops (thirteen in number), who were pointed out to him by Mr. Bacon. There is the evidence of the other witnesses that there were about half a dozen picketters at each shop; and furthermore if the accused has ventured definitely to say, much less to prove that he was not picketing at the time. It is quite natural for the witnesses to be unable to identify the accused; no one could be expected to take particular notice of individuals in a batch of picketters when he or she had at the time no particular reason to do so. If Sambu Lal obstructed Mr. Bacon and another molested Mr. Ortiger there is no doubt that the other members of their party abetted them. similarly, as the accused, who behaved aggressively to Mrs. Gordon at the other shop and tried to prevent her from entering, was one of a party of six or so, there is no doubt that his companions were equally his abettors.

I consider that the prosecution has proved its case. I find all thirteen accused guilty of molestation under section 4 of Ordinance V of 1930. As regards punishment, Sangram Singh and Ranvir are all under twenty of age. The latter is a student, while the others as far as I can ascertain, are villagers, Sohan singh and Yado Nath are the youngest, their age can not yet be seventeen. The others are aged eighteen or nineteen. Instead of sending Sohan singh and Yado Nath to prison, I inflict a fine of Rs. 50/- (fifty) in default of payment they will undergo six weeks R.I. The other two, Sangram Singh and Ranvir, will have to go to jail for three months R.I.; Sangram Singh will pay in addition a fine of Rs. 20/-, while Ranvir who is of better status, will be fined Rs. 50/- in default of payment, each will serve one months rigorous imprisonment. The remaining accused, Sri Ram, Madan Singh, Mohan Singh, Kanhaiya Singh S/o Sher Singh, Partab Singh, Kanhaiya Singh S/o Gopal, Shambu Lal, Khushi Ram, and Arjun Singh are older persons, although their status is very ordinary. I inflict heaviour punishments on these nine accused because there is little doubt that it is they who influence younger members of their party to break the law, and who take the lead in activities of this kind. In my opinion it is only just that they should receive heavier punishments. The offence of molestation is a serious one, and must be adequately punished. I, therefore, sentence the remaining nine accused to six months R.I. and a fine of Rs. 20/- in default of payment one month's R.I. each.

Sd. F.L. Smith

Jt. Magistrate DDN.

17.10.30

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31. JUDGMENT

Four Congress workers, Mst. Sarmada Devi Tyagi, Mst. Bhagwati Devi Tyagi, Mst. Sharma Devi and Mst. Ram Lubhai are prosecuted under section 4 of Ordinance V of 1930 for molestation of persons wishing to enter shops in Ashley Buildings, Dehra Dun, on 13.10.30 in the evening.

The prosecution evidence consists of the statements of S. Dharbara Singh, Kotwal of Dehra, Sub-Inspectors Mohammed Husain and Ganga Parshad, and Mr. Gordon. On 13.10.30 the Kotwal (P.W. 1) learnt that picketing was taking place at Ashley Buildings, the European shopping quarters of Dehra. He therefore deputed two Sub-Inspectors to go to the shops and take necessary action. They went, and arrested the four women. The Kotwal investigated and made a report in writing of the facts constituting the offence.

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He proves his report (Exhibit A). The two Sub-Inspectors give evidence regarding the arrests. S.I. Mohammed Husain, ((P.W. 3) says that he saw Mr. Gordon prevented from entering a cloth shop (Hasamal's) by the accused. Mst. Sarmada Devi Tyagi and Mst. Ram Lubhai went to Ausi's cloth shop and sat down on chairs in the doorway, preventing persons from entering or leaving the shop. He ordered them to stop picketing but they refused to obey him. He therefore arrested them. The other Sub-Inspector, Ganga Parshad (P.W. 4) gives similar evidence regarding the arrest of the other two accused, Mst. Sharma Devi and Mst. Bhagwati Devi, who were picketing hasamal's shop. Finding that they were sitting on chair, blocking up the doorway, thus preventing anyone from leaving or entering the shop he told them to move on. On their refusal he arrested them. Mr. Gordon, (P.W. 2) says that he saw the four women picketing the cloth shops of Hasmal and Ausi's. He was prevented front entering the former shop. He corroborates the evidence of the police officers that the accused were sitting on chair in front of the shops, blocking up the doorways, and obstructing persons wishing to enter. This witness lives in Ashley Buildings and was in a good position to see what was taking place.

The accused have all adopted a most defiant attitude refusing neither to make any statements or to take part in the proceedings. They have no defence to offer. The offence of molestation, as defined in section 3 of the Ordinance has been completely proved against all four. The evidence to which I have destined and which I have no reason to disbelieve reveals a most flagrant case of obstruction, in fact one of the worst which has come to my knowledge. It appears that the accused have taken advantage of their sex to make themselves a nuisance to the public. It was extremely difficult for customers, such as Mr. Gordon, to make their way through the barrier created by them unless they had resorted to force, as no doubt, they would justifiably have employed had the picketters been men. If women indulge in this sort of offence, they must not expect Magistrates to take too linient a view of it simply on account of their sex. I find all four accused guilty of molestation under section 4 of Ordinance V of 1930. In awarding punishment, I feel at liberty to take into account the objectionable and defiant attitude in court of all four women. A refusal to take part in the procedings followed by a precipitate exit from the court in the jail where the trial was being held, giving myself and the officials concerned in the proceedings an inordinate amount of unnecessary trouble before the trial could be resumed, does not afford them any right to expect much liniency from me.

I have already remarked that the offence committed by them is particularly flagrant. Taking everything into consideration, I sentence Mst. Sarmada Devi Tyagi, Mst. Bhagwati Devi Tyagi, Mst. Sharma Devi and Mst. Ram Lubhai each to four and a half ($4\frac{1}{2}$) months S.I., and fine of Rs. 50/- in default of payment, they will undergo in addition six week's S.I.

Sd. F.L. Smith

Jt. Magistrate

20.10.30

Remark: Seen. Vicious.

Imprisonment: Female prisoners can also be provided with work in jail.

Sd. Illegible

Magistrate

24.10.30

32. JUDGMENT

Ganesh Datt, a Congressman, is prosecuted under section 4 of Ordinance V of 1930 for the offence of molestation. The prosecution case is that the accused after delivering a speech in Rishikesh on 21.7.30

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warning shopkeepers that unless they undertook not to sell foreign cloth or cigarettes, they would be picketted, and after getting this undertaking from them all with one exception, Chotelal, he organised picketing of Chotelal's shop on 3.8.30 and 4.8.30 and himself took part in it, thereby causing obstruction. Briefly, this is the case against the accused. Evidence in support of it has been give by S.I. Naubat Singh of Rishikesh Thana, Narain Singh, Head-Constable, D.I.S. and Ganga Datt, Abdul Haq, and Constable Mohammed Naseem.

S.I. Naubat Singh (P.W.1) proves his report in writing in which he challanned the accused under section 4 of Ordinance V of 1930 (Exhibit A.), acting on the information he had received from Narain Singh of the D.I.S. Although he himself did not see the picketing taking place, he saw the accused bringing the volunteer into the bazar. Narain Singh (P.W. 2) was present when Ganesh Datt made his speech on 28.7.30 and took notes. He proves the copy of his record of that speech (Exhibit B.), and also that of his report regrding the taking of shopkeeper's signatures by Ganesh Datt with exception of those of Munshi Ram and Chotelal (Exhibit C.), Munshi Ram afterwards gave his undertaking not to sell. On 1.8.30 the accused arrived in Rishikesh with five volunteers from Bhojpur. On 2.8.30 he went to see the shopkeepers who agreed not to sell foreign cloth or cigarettes, but Chotelal Still refused to obey the Congress order. On 3.8.30 the witness saw the accused conducting the picketing of Chotelal's shop and a cordon was drawn round it, and customers were stopped. The accused was present sitting in front of the shop. Picketing continued on 4.8.30. The witness says that he saw Ganga Datt, Mohammed Naseem and many others stopped by the picketters, his place of vantage being in the shop of Sadanand close by.

Ganga Datt (P.W. 3) a student, says that he went to Chotelal's shop to buy 'pan' on 3.8.30. Congress volunteers were standing at the shop. The accused made a cordon and said that no body was to enter the shop, as chotelal was an enemy of the country. The witness was unable to buy anything and went away.

Abdul Haq (P.W.4) a motor driver, gives evidence about the picketing on 4.8.30. He went to buy cigarette from Chotelal, but was stopped by the picketters. The accused was sitting in front of the shop. The last witness Mohammed Naseem, a constable was only able to enter the shop on 3.8.30 by jumping over the picketters who on Ganesh Datt's orders had laid down in front of it.

The accused denies that he posted picketters at Chotelal's shop or that he himself picketted. He admits that he asked the shopkeepers on 28.7.30 not to sell foreign cloth or cigarettes, but denies that he secured their signatures. He has no defence to offer.

It is perfectly clear that Ganesh Datt has committed the offence of molestation defined in section 3 of the Ordinance. The prosecution witnesses are emphatic on the point that he not only organised the picketing of Chotelal's shop on 3.8.30 and 4.8.30, as the result of Chotelal's refusal to come to an agreement with him, but that he took an active part himself in stopping customers. The picketing was clearly obstructive, as the statements of Mohammed Naseem, Ganga Datt and Abdul Haq in particular show. I see no reason either to disbelieve them or Narain Singh. The latter's evidence also throws light on the incidents leading up to the picketing, and proves that Ganesh Datt was the person directly responsible for the picketing. I would convict him not merely as an abettor but as a pricipal in this case, and remark that not only does he appear to have obstructed but also to have intimidated. I find him guilty of molestation under section 4 of ordinance V of 1930 and sentence him to six months R.I. and fine of Rs. 50/- in default of payment he will undergo six week's further rigorous imprisonment.

Sd. F. L. Smith

Jt. Magistrate

24.10.30

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Remark : Seen. This man has long been the most active agitator in the area of the Eastern Dun. He is a Squatter from the Tehri State, lives at Barkot, nominally by cultivation and "jajmani". He has done an infinity of harm at Barkot, Bhojpur, Rishikesh, Rani Khet, Shyamkhera and other places. Supdt. jail should be informed that he is classified in class 'C' and should in my opinion be, if possible, transferred to another jail.

Sd. F.L. Smith
Jt. Magistrate.
26.10.30

33.APPEAL

DISTRICT DEHRA DUN.

IN THE COURT OF MR. F.L. SMITH, JOINT MAGISTRATE, DEHRADUN.

Case No. 427 of 1930 STATE *Vs.* Qalam Singh and others

Under section 4 of Ordinance V of 1930 decided on 30/10/30

Copy of Judgment Dated 30.10.1930

JUDGMENT

Three congress volunteers of Doiwala, Qalam singh, Purnanand, and Beni Prasad are prosecuted under section 4 of Ordinance V of 1930 for molestation.

The prosecution evidence consists of the statements of Kripa Ram, Liquor Vendor of Doiwala, S.I. Mohammed Husain and S. Darabara singh, Kotwal of Dehra Dun. On 20.10. 30 Kripa Ram (P.W. 3) went to the Kotwali and made complaint that his shop was being intensively picketted by Congress volunteers who prevented customers from entering and seized purchase of liquor. S. Dharbara singh (P.W. 2) therefore deputed S.I. Mohammad Hussain to go to Doiwala and make investigation. On his return he challaned the three accused whom he had arrested, submitted the report Exihibit A, which he proves. S.I. Mohammed Hussain (P.W. 1) describes how he went to Doiwala on 20.10.30, found the three accused picketing the liquor shop and arrested them on their refusal to stop picketing.

The accused alll admit that they were picketing the liquor shop and stopping purchasers from entering. They produce no defence. It is clear that they have committed the offence of molestation defined in section 4 of Ordinance V of 1930 by loitering at Kripa Ram's shop with a view to preventing both him and his customers from doing what they had perfect right to do, namely, the selling and buying liquor. The picketing at Kripa Ram's shop has been intensive for some months past and a number of congress Volunteers taking part in it have recently received sentences for destruction of bottles of liquor but it is apparent that these convictions have had no current effect, and the unfortunate licensee continues to be molested. I therefore, take a serious view of the offence and finding all the three accused guilty of molestation under section 4 of Ordinance V of 1930, I, sentence Qalam Singh and Purnanand each to six months R.I.and fine of Rs. 20/- in default six week's further R.I. and Beni Prasad, a boy of sixteen to four months R.I. and a fine of Rs. 20/- in default, six week's further R.I.

Sd. F.L. Smith
Jt. Magistrate
30.10.30

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34. APPEAL

DISTRICT DEHRA DUN

IN THE COURT OF MR. F.L. SMITH MAGISTRATE Ist CLASS DEHRA DUN.

Case No. 428/30

State *Vs.* Jwala Prasad and others

P.S. Kotwali U/S 4 of Ordinance V of 1930

Copy of judgment dated 30.10.30

JUDGMENT

Three Congress volunteers of Doiwala are prosecuted under section 4 of Ordinance V of 1930 for molestation. Their names are Jwala Prasad, Anand Deo and Mohan Lal. The prosecution story is contained in the statements of S. Dharbara Singh, Kotwal of Dehra, M. Mohammed Rasheed Khan, Excise Inspector and Relumal liquor Salesman at Doiwala liquor shop.

On 20.10.1930 the Kotwal (P.W.1) learnt that congress volunteers at Doiwala were boycotting Kripa Ram and Relumal liquour licensee and salesman respectively on 22.10.30, he further learnt that they had prevented Relunal from proceeding to Dehra in a lorry on 23.10.30. He went to Doiwala to investigate and after investigation arrested the three accused for the offence of molesation. He proves his report Exhibit 4 in which he prosecutes them under section 4 of ordinance V of 1930.

The incident occurring on 22.10.30 are narrated by the Excise Inspector and Relumal (P.W.2) and P.W. 3, Relumal wished to go into Dehra to buy necessities, as both he and Kirpa Ram found it impossible, on account of the boycott to go for what they required in Doiwala. He then met the Excise Inspector who was visiting Doiwala and told him about the occurrence. The latter suggested that he should sit in the lorry which he had engaged. He did so, but the accused with two other men stood or lay down infront of the car, thus preventing the driver from proceeding. Finding the situation impossible Relumal was complled to get down, assisted by the accused, and went back to his house.

The statements of the Excise Inspector and Relumal tally in essentials. It is clear that Anand Deo and possibly Mohan Lal laydown while the others obstructed by standing in front of the lorry. Relumal mentions that Jwala Prasad caught hold of him to get him out of the lorry while the Excise Inspector says nothing of this. It is very probable that he failed to notice the incident. I see no reason to disbelieve either of the witnesses. The accused have nothing to say in answer to the accusation against them, and produce no defence. I consider that they have committed the offence of molestation as has been defined in section 3 of the Ordinance. Relumal had a perfect right to proceed to Dehra in the lorry, but the accused wilfully obstructed him in order to gratify these petty resentment. Relumal and Kirpa Ram have for months induced persecution at the hand of congress volunteers because they have refused to close down their liquor business, picketing and social obstruction have been there too, and only recently a batch of volunteers have been convicted for an act of wanton desrction of this shop. I take a serious view of the offence and finding all the accused guilty of molestation under section 4 of the Ordinance V of 1930 I sentence Jwala Prasad and Mohan Lal each to six months R.I. and fine of Rs. 20/- in default six weeks further R.I. and Anand Deo, a boy of sixteen to four months R.I. and a fine of Rs. 20/- in default further a six weeks R.I.

F.L. Smith

Magistrate 30.10.30

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35. JUDGMENT

Swami Vicharnand Sarasvati-45 years-proprietor of Abhaya Press-a leading and well known Congressman of Dehra has been prosecuted U/S 3 of the Police (Incitement to disaffection) Act. XXII of 1922. The Police complaint is Ex. A, and the sanction of the District magistrate is also on the file. It is alleged for the prosecution that in a public meeting at Village Thano in Police Station Rikhikesh the accused delivered a speech during the course of which he intentionally used numerous contemptuous expressions in order to cause disaffection towards the Government amongst the members of the Police Force and he also vehemently induced the Police officers, who attended the meeting, to resign their services, otherwise they will be punished when the Swaraj was obtained.

The Swami accused has clearly refused to answer the question put to him regarding these allegations in court. Briefly, he has stated that he would not recognize the British Government in India and much less the Court which is subordinate to the same Government and that he does not expect any justice. As for the speech he admits to have delivered it for the good of his country.

This speech (Ex. B) was noted down then and there by Head Constable Ghulam Mohammad of Police out-post Rani-pokhri, who could not be produced, as he has been ill and away on leave. But it has duly and stisfactorily been proved by S.O. Rikhikesh (P.W.1) to whom it was made over and who is acquainted with the handwriting of his subordinate. It has further been proved by the two police constables, namely, Manzur Ahmad (P.W. 2) and Gajadhar (P.W.3) who had also been deputed to attend the meeting and who had listened to the speech and also signed it on the spot. The same witnesses have also abundantly proved that the accused had delivered numerous speeches to the same effect in that very circle during the first week of November 1930. As for this particular speech (Ex. B) there can be no doubt in the circumstances that it was publicly made by the accused, as has been set forth by the prosecution before me. It would appear that it is a sufficiently long speech full of numerous contemptuous expressions regarding the personnel of the Administration, Payment of taxes & c. by which the accused was intentionally causing disaffection towards the British Government in India and Particularly he intentionally induced in clear terms the policemen at the meeting to give up their services, otherwise they will have to come to grief. It has been fully established before me that the speech, on the whole, is a very ill-conceived and dangerous one in view chiefly of the fact that it was delivered to an audience consisting mostly of the illiterate country people including also a head constable and 2 constables of the local Police Force, who had been specially deputed to attend and whose impression was that the accused was spreading disaffection amongst the Police force. Such a speech could not possibly be a mere disapprobation of the measures of the Government, because it clearly interferes with police force in order to shake their loyalty and break discipline. I find that in more ways than one it was unlawful, unjustified, and vicious with serious consequences. Accordingly I find the accused guilty U/S 3 of Act XXII of 1922. Swami Vicharanand is an old and confirmed offender in this respect. He was once dealt with U/S 153 (A) I.P.C. in 1925 and again under the Salt Act this year. He deserves a fully severe sentence for this offence. He appears also to be a man of some means and accordingly he is sentenced to six months rigorous imprisonment and a fine of Rs. 50/- or in default a further six weeks rigorous imprisonment

Sd. Illegible

Sub Divisional Magistrate,

Dehra Dun

11.12.30

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36. JUDGMENT

Swami Vivekanand-40 years-a Congress worker of Rikhikesh has been prosecuted under section 3 of Ordinance XI of 1930 (*Vide* report of S.I. Rikhikesh Ex. A). This is in consequence of a speech he

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publicly made at a Congress meeting at Rishikesh in the afternoon on Jan. 19, 1931 (*Vide* notes Ex. B). The said Ordinance has already been extended to this district, and it is in evidence before me that the accused during the course of his speech, among other things, induced in clear and unmistakable words the audience to withhold payments due to the Government. He has been proved by the Police Officer, who was deputed to jot down the notes of the speeches delivered at the meeting, to have also advocated other activities of the present Disobedience Movement, for instance the boycott of foreign goods, the Courts and Government services. But what I am chiefly concerned with in this case is that the accused particularly instigated his audience consisting of about 200 persons, including agriculturists, not to pay the Malguzari to the Government.

The accused has frankly admitted everything put up in evidence against him and does not deny that he made the said speech in which he advised the people not only to refuse payments of Rents, but also not to pay the Government dues in the form of Land Revenue. He would not put up any defence and in the circumstances I find him clearly guilty U/S 3 of the Unlawful Instigation (Second) Ordinance, 1930. The accused seems to be a reckless and irreponsible sort of a speaker, who is neither a cultivator nor a land-holder and the evil consequences of such a speech at the present moment cannot be overestimated. It is a mischievous propaganda to shake the administration with serious consequences to the public peace. The accused, I think will deserve the full punishment which may be imposed under the ordinance. He is accordingly sentenced to 6 months rigorous imprisonment and a fine of Rs 25/- (twently five) or in default another six weeks rigorous imprisonment.

5.2.31 Sd. Illegible

Seen Sub Divisional Magistrate,

Sd. Illegible Dehra Dun.

Magistrate. 9.2.31

Swami Vivekanand does not appear to be a man of any status, he had neither any education nor has he any means of livelihood excepting the public charity. I think the question of classification does not arise and he is clearly and definitely to be treated under class C.

Sd. Illegible

9.2.31

37. ORDER UNDER SECTION 108/112 Cr. P.C.

Whereas it has been made to appear to me by credible information through police report dated. Feb. 14, 1931 that in connection with the present Disobedience Movement and Congress propaganda you Ram Sarup of Dehra Dun have intentionally been publicly making speeches in Dehra, Rishikesh and Rajpore within my jurisdiction by which you are intentionally disseminating such seditious matter which is likely to excite hatred and disaffection towards the Government established by law in British India and which is punishable U/s 124 A I.P.C. You Ram Sarup are hereby called upon to show cause why you

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should not be required to enter into a bond for Rs. 500/- with two respectable sureties in Rs. 500/- each in order to be of good behaviour for a period of one year.

Sd. Illegible

Sub Divisional Magistrate,

Dated, Dehra Dun, Dehra Dun.

The 16th. Feb. 31

This Notice was read out and was then explained to the accused in Hindustani by me at the Jail today.

Sd. Illegible

19.2.31

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38. ORDER

It has been reported to me U/S 108 Cr. P. C. that Rajpati Pande of Pipal mandi (Dehra) has for sometime been making dangerous speeches in public meetings whereby he has been disseminating sedition, whereas in the present agitated state of the country it seems really desirable that he should be taken into custody in order to avoid a breach of the peace of Dehra, a bailable warrant will issue against him with personal bond in Rs. 500/- and two sureties in Rs. 500/- each U/S 114 Cr.P.C and the case U/S 108 Cr.P.C. will be taken up on Monday 30.3.31

Informed.

Sd. Illegible

S.D.M. Dehra.

28.3.31

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39. ORDER (UNDER SECTION 108/112 Cr. P.C.)

Whereas it has been made to appear to me by credible information through Police report dated 28.3.31 that in connection with the present agitation and revolutionary propaganda you Rajpati Pande of Dehra as a member of the Bharat Nojawan Sabha of Dehra Dun have intentionally been publicly making such speeches in Dehra Dun (dated. 13.3.431, 14.3.31, 23.3.31, 24.3.31) within my jurisdiction by which you are intentionally disseminating such siditious matter, which is likely to excite hatred and disaffection towards the Government established by law in British India and which is punishanble under section 124 I.P.C. You Rajpati Pande are hereby called upon to show cause why you should not be required to enter into a bond for Rs. 500/- each with two respectable sureties in order to be of good behaviour for a period of one year.

Sd. Illegible

Dated Dehra Dun. Sub Divisional Magstrate,

the 28th March 1931. Dehra Dun

Explained and read out in court today. Accused and Mr. Khurshed Lal addvocate want time for preparation.

Sd. Illegible

30.3.31

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40. ORDER (UNDER SECTION 108/112 Cr. P.C.)

Whereas it has been made to appear to me by credible information through Police report dated 28.3.31 that in connection with the present agitation and revolutionary propoganda you Sham Lal S/o Shib Lal Vaish, Mohalla Jhanda, Dehra as a member of the Bharat Nojawan Sabha of Dehra Dun have intentionally been publicly making such speeches in Dehra Dun (dated 13.3.31, 23.3.31,& 24.3.31) within my jurisdiction by which you are intentionally disseminating such seditious matter, which is likely to excite hatred and disaffection towards the Government established by Law in British India, and which is punishable under section 124 A I.P.C. You Shamlal Vaish are hereby called upon to show cause why you should not be required to enter into a bond for Rs. 500/- with two respectable sureties in Rs. 500/- each in order to be of good behaviour for a period of one year.

Sd. Illegible

Dated Dehra Dun, Sub Divisional Magistrate,

the 28th March 1931. Dehra Dun.

Read out and explained in court today. He wants time to decide whether to defend or not.

Sd. Illegible

30.3.31

---

41. ORDER

It is reported U/S 108 Cr. P.C. that Shamlal of muhalla Jhanda (Dehra) has been publicly delivering dangerous speeches wherby he has been disseminating sedition and whereas in the present agitated state of the country it is desirable that he should be taken into custody in order to avoid a breach of the peace in Dehra, a bailable warrant in Rs 500/- for personal bond and two sureties will issue U/S 114 Cr.P.C. and the case U/S 108 Cr. P.C. will be taken up on Monday 30.3.31

Sd. Illegible

S.D.M

28.3.31

---

42. ORDER

It has been reported to me U/S 108 Cr. P.C. that Hira Singh of Dilaram Bagh (Dehra) has been delivering some dangerous speeches whereby he has publicly been disseminating sedition and whereas in the present agitated state of the country it seems really desirable that he should be taken into custody in order to avoid a breach of the peace in Dehra, a bailable warrant will accordingly issue for his arrest with Rs. 500/- as personal bond and two sureties in Rs. 500/- each U/s 114 Cr. P.C. while the case U/s 108 Cr. P.C. will be taken up on Monday 30.3.31

Sd. Illegible

S.D.M. Dehra

The accused could not be produced and the prosecution has been dropped. No more action is called for now.

Accordingly closed U/S 249 Cr.P.C.

Sd. Illegible

11.4.31

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43. APPEAL

In the court of the Sessions Judge of Saharanpur.

Present:- I.B. Mundle Esq., I.C.S. Sessions Judge.

The 8th of June 1931. Criminal Appeal No. 40 of 1931

1. Gurumukh Singh. 2. Kundan Lal. 3. Balwant Singh. 4. Kishori Lal. 6. Nand Kumar. 7. Shambhu Prasad. 8. Kanhaiya Lal. 9. Nand Kishore and 10. Arjun Singh....................Convict Appellants.

Versus

King Emperor..Respondent.

Appeal from the judgmemt of C.Act on Esq., I.C.S. Magistrate Ist class of Dehra Dun dated 2nd of May, 1931. Sentencing the convicts appellants as follows:--

Nos. 1, 2, 4, 5, 9, under	Sec. 352 I.P.C.--3 months R.I.					
"	504	"	12	"	"	
"	552	"	12	"	"	
"	448	"	12	"	"	Concurrently
"	506	"	12	"	"	

Read with S. 109 I.P.C.

And

Nos. 3,6,7,8, & 10 under	S, 352 I.P.C.--3 Months' R.I.					
"	504	"	6	"	"	
"	506	"	6	"	"	
"	452	"	6	"	"	Concurrently
"	448	"	6	"	"	

Read with S. 109 I.P.C.

For the Crown-The Government Pleader. For the appellant-Messrs C.P. Singh & Khurshed Lal.

Judgment.

The ten appellants in this case have been convicted under Sec. 352, 448, 452, 504 and 506 of the I.P.C.

The prosecution case is that appellants are Congressmen and attempted by means of threat and intimidation to stop Shiam Singh from selling cigarettes at his shop. I do not wish to enter into the merits of the case as the learned Government Pleader has conceded that there has been a material irregularity and that the case should go back on that ground for re-trial. Five of the prosecution witnesses were examined on 25.4.1931 and a charge was framed the same day against the appellants. Appellants were however not asked as required by S. 256 Cr. P.C. whether they wished to further cross-examine the prosecution witnesses. As has been observed in a number of cases under this section it is the duty of the Magistrate after a charge has been framed to require the accused to state whether he desires to cross-examine the prosecution witnesses as already examined. "It will be extremely difficult to say that where the

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witnesses for the prosecution already examined are not offered for cross-exmination after the framing of the charge the accused have not thereby suffered any substantial injury in the course of the trial."

I allow the appeal and send back the case for re-trial. In doing so I would direct that the re-trial should begin from the stage when the charge was framed. If the District Magistrate has no time to re-try the case he will be at liberty to transfer it to one of his subordinate Magistrates, but in that case the trial should proceed de novo. Pending the re-trial appellants will be released on bail to the satisfaction of the Distrct Magistrate.

Sd. I.B. Mundle,

Sessions Judge.

8.6.31

Remark:- Submitted for orders. The other two files of prosecution on a charge of contempt of court have not yet been received. Copies of D.M.'s Orders will be made and sent to Govt. through D.M. on receipt of the other files which have been sent for again.

Signed. illegible

10.6.31

Forwarded to the magistrate concerned for information and necessary action with original record.

Sd. illegible

Orders for release on bail have been iuused.

Sd. illegible

11.6.31

The order for realese on bail was cancelled next day in respect of 8 of 10 convicts as they had still to serve the sentence of 1 M.S.I. in default of payment of fine in the saperate conviction for contempt of court.

Sd. illegible.

23/6

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44. APPEAL

In the court of the Sessions Judge of Saharanpur. Present :—I.B. Mundle Esqr. I.C.S., Sessions Judge.

The 9th of June 1931.

Criminal Appeal No. 41 of 31.

Gurmukh Singh ....Convict Appellant.

Versus

King Emperor....................................Respondent.

Appeal from the Judgement of C. Act-on Esqr. I.C.S., Magistrate, First Class of Dehra Dun dated the 2nd of May 193, sentencing the convict appellant to pay a fine of Rs. 200/- and in default to undergo one month's R.I. under section 228 I.P.C.

Pleaders :—

For the Crown : The Government Pleader.

For the Appellant : Messrs C.P. Singh and Khurshed Lal Advocates.

Judgment :—

This appeal is connected with appeal No. 42 of 1931 decided by me today. Appellant with several other accused was convicted by the Trying Magistrate under S. 504 and several other sections of the I.P.C. As soon as the sentence was pronounced they raised the cry "Qaumi Nara Bande Matram." The Magistrate

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took action under Sec. 481 Cr. P.C. and fined each of the men Rs.200/-. After the second sentence was pronounced the present appellant again shouted "Qaumi Nara" but apparently stopped short as the slogan was not ·ken up by the accused. There was a second proceeding against the appellant under Sec. 481 Cr. P.C. and e has been sentenced to a fine of 200/- under S. 228 I.P.C.

Against the present conviction the same arguments were put forward as in the connected appeal. I agree with the Trying Magistrate that the shout was meant to be a shout of defiance at the court which passed judgement and thus amounted to an insult punishable under Sec. 228 I.P.C. I do not accept the contention that a judicial proceeding is at an end as soon as the sentence is pronounced. A Magistrate cannot be considered to have concluded a case the very moment he has announced his order. The Judicial proceeding cannot be said to terminate before the accused have left the court room.

Appellant has in my opinion been rightly convicted, but in view of the fact that Rs. 200/- is the maximum fine that could be awarded under section 480 Cr. P.C. I think the sentence is unduly severe. I maintain the conviction but reduce the fine to Rs. 100/- in default of payment appellant will undergo one month's simple imprisonment.

Sd. I.B. Mundle, I.C.S.

Sessions Judge,

9.6.31

Remark—Send amended warrant to Distt. Jail with the remark that this prisoner has to serve 2 M.S.I. in default of payment of Rs. 100/- to be paid in each of the 2 separate contempt cases.

Sd. Illegible

26.6.31

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45. APPEAL

In the court of the Sessions Judge of Saharanpur.

Present: I.B. Mundle Esqr. I.C.S. Session Judge

The 9th of June 1931.

Criminal Appeal No. 42 of 1931

1. Gurmukh Singh 2. Kundan Lal 3. Balwant · 4. ..ıd Kishore 5. Shambhu Prasad 6. Kanhaiyalal 7. Nand Kishore 8. Arjun Singh........... ... .Convicts Appellants.

Versus

King Emperor... ....Respondent.

Appeal from the Judgment of C. Act-on Esqr. I.C.S., Magistrate Fi·t Cla ›f Dehra Dun dated the second of May 1931. Sentencing the convict appellants to pay a fine of R . 200/· and in default to undergo one month R.I.

Under Section 228 I.P.C.

Pleaders :—

For the crown : The Government pleader.

For the appellants : Messrs C.L. Singh and Khurshed Lal Advocates

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JUDGMENT

The 8 appellants in this case have been convicted under sec. 228/I.P.C. and sentenced to a fine of Rs. 200/- each.

Appellants and two others were convicted by the Trying Magistrate under secs. 504, 506 and various other sections of the I.P.C. As soon as the sentence was pronounced they raised the cry "QAUMI NARA BANDE MATRAM". On being asked to explain their conduct two of the accused appologised and no proceedings were taken against them.

The present appellants were proceeded against under sec. 480 of the Cr. P.C. and have been sentenced as stated above.

1. That the shout does not amount to an insult and 2. That where the magistrate pronounced sentence in the case he was no longer sitting in any stage of a judicial proceedings. I am not prepared to accept either contention. I agree with the Trying Magistrate that the shout raised was a shout of defiance and meant as an insult to the court which passed the Judgment on the appellants. A judicial proceeding, it has been held, is not necessarily at an end when the sentence is pronounced. A Magistrate cannot be considered to have concluded a case the moment he has announced his order. I would go further and hold that the judicial proceeding can not be said to have terminated until the accused are removed from the court room. To hold otherwise would be a very narrow construction on the wordings of S. 228 I.P.C. It is immaterial to my mind that appellants in this case were tried inside the jail and not in the Magistrate's court room.

Appellants have in my opinion been rightly convicted. The sentence being the maximum that could be awarded under sec. 480 Cr. P.C. appears however to be unduly server. I maintain the conviction but reduce the fine to Rs. 100/- in case of each of the appellants. In other respects the appeal is dismissed.

I. B. Mundle,

I.C.S.,

Session Judge.

Remark of the Reader

Forwarded to the Distt. Magistrate Dehra Dun for information and necessary action with original records.

Sd. Illegible,

Reader.

18.6.31

Remark of the Distt. Magistrate

C.R. Send amended warrants to Distt. Jail with the remark that the sentence of 1 M.S.I. till default of payment of fine should commence from the date of release of the two convicts whose conviction for picketing was set aside.

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46. JUDGMENT

Two local bazar persons namely Bhumanand (25) and Sitaram (24) have been prosecuted under section 188 I.P.C. on the Kotwali report dated 17.1.1932 (Ex. B). The former has refused to give any explanation in this court, while the latter has appologised and asks for pardon. It is in evidence that the order of the District Magistrate under section 144 Cr. P.C. which prohibits processions and meetings, was duly published in Dehra on 8.1.1932 (Ex. A). But it appears that (in disobedience of the same) a procession did come out of the Congress office and proceeded through Pipal Mandi Bazar headed by these two accused persons, of whom Bhumanand was carrying the Congress flag, in the afternoon of 17.1.1932. The arrests

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were made by P.C. Aziz Ahmad in the presence of a local witness named Jhandu Bhistic. Because the members of the procession numbering nearly 100 persons refused to disperse in spite of the police directions (Ex. C). I am satisfied that both the accused were fully aware of the order (Ex. A) and that they deliberately took out the procession in open defiance of the order. Bhumanand particularly, who was carrying flag (Ex. 1), was causing obstruction of the public road and if not held up in time might have led to a serious breach of the peace. It is very difficult to manage and control such disorderly processions, which are organised by such irresponsible persons of no position or importance. I have to take a serious notice of it in the present circumstances. Accordingly Bhumanand is sentenced to six months rigorous imprisonment under Section 188 (II portion) I.P.C. But Sitaram is a first offender, who has openly appologised and honestly means to behave properly in future. He is duly admonished and released under Section 562 (1 A) Cr. P.C.

Sd. Illegible,

19.1.1932

Sub-Divisional Magistrate,

Dehra Dun

ORDER

Bhumanand is a very ordinary person of no education, status or means, and will be treated as an ordinary prisoner.

Sd. Illegible,

19.1.1932

Sub-Divisional Magistrate,

Dehra Dun.

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47. JUDGMENT

B. Khurshed Lal (29) an advocate of Dehra has been put up before me under section 17 (1) of I.C.L.A. Act (XIV-1908) under the Kotwali report dated 18.1.1932 (Ex. A1). It is in evidence before me that in the noon of 17.1.1932 the accused was declared the Dictator of the Dehra war council and in the same afternoon at 2.00 p.m. he had the audacity to present himself before the Police Inspector in the Kotwali and thus courted his own arrest (vide Ex. A). There is no denying the fact that Act XIV of 1908 has been extended to these provinces and that all the associations connected with the Congress Movement have also already been declared unlawful. The accused has nothing to urge against his conviction and had admittedly done so deliberately in order to court his arrest, and as such is clearly guilty under section 17(1) of the Act.

The accused was however, a member only for a couple of hours during which period he does not appear to have done anything actively in furtherance of any Movement prejudicial to the public peace and need not be dealt with severely. He is sentenced for a fine of Rs. 50/- or in default 6 weeks rigorous imprisonment.

Sd. Illegible,

19.1.1932

Sub-Divisional Magistrate,

Dehra Dun.

20.1.1932

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ORDER

B. Khurshed Lal M.A. LL.B. is local advocate S/o Late Rai Sahib Fateh Singh, who was an officer in the Commissariat Department, and his uncle is Mr. Moti Lal Bar-at-law of Dehra Dun. He had a fairly good practice at the bar and well deserves to be classified as a B class prisoner in case of default of fine.

Sd. Illegible,
19.1.1932.
Sub-Divisional Magistrate,
Dehra Dun.
20.1.1932.

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48. JUDGMENT

Mahabir Tiagi—32 years, a petty Zamindar of Bijnore district, who has for some years been residing in village Ajabpur in this district, has been prosecuted before me under the Kotwali police report dated 18.1.32 (Ex. C). Briefly it is said that as the president of the District Congress Committee and Dictator of the District War Council the accused in the noon of January 17, 1932 obstructed traffic on the public road at the Olympia Crossing in Dehra, where he also publicly announced a meeting and procession for the nineteenth in open disobedience of the order under Section 144 Cr. P.C. which had already been published in the town against such demonstrations.

The accused has frankly admitted his position in the local Congress Movement and even subscribed himself as such at the end of his statement during the trial. He has also admitted that he had collected a crowd and that he was announcing to them the proposed meeting and procession for the 19th, and that he had even refused to obey the directions of the police on duty. Still he asserts that he did not obstruct the traffic on the road. He would not, however put up any defence.

The report (Ex. A) has been proved by P.C. Aizad Bux (P.W. 1), who was there on traffic duty, and from this it is abundantly clear that the accused had collected down a larg crowd by sounding his bugle (Ex. 1), and was thus wilfully obstructing the traffic to the disobedience of the directions of the police on duty. This witness has also been supported by a local tonga-driver named Kaley (P.W. 3), who has given a full account of the situation and the activity of the accused at the time of the occurrence. This, in my opinion, in face of an inflamatory speech to disorderly crowd on the public road was a great danger to the public peace and quite likely to cause a riot or affray. It is also in evidence as stated by S.I. Mohd. Hussain (P.W. 2) that the District Magistrate's order U/S 144 Cr. P.C. (Ex. B) was duly published on 8.1.1932 and that all meetings and processions, without previous sanction, have strictly been prohibited in Dehra. Lastly I find from H.C. Bakar Hussain D.I.S. (P.W. 4) an account of the accused's activity in furtherance of the Congress Movement Prejudicial to the public peace and order in this district. There is no denying the fact that the I.C.L.A. Act (XIV of 1908) has been extended to these provinces from January 12, 1932 and that all such associations connected with the Congress Movement have also since been declared unlawful. The accused as president and dictator of two such unlawful associations respectively cannot but be called a promoter or manager of such associations U/S 17 (2) of the Act. Nothing therefore remains to be proved home to the accused who has openly admitted before me that by publicly announcing a meeting for the 19th. Instant, he was wilfully disobeying the said order U/s 144 Cr. P.C. The accused is clearly found guilty of all the charges and being a dangerous and troublesome person has got to be dealt with severely enough.

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Accordingly Mahabir Tiagi is sentenced to two years rigorous imprisonment U/S 17(2) of Act XIV of 1908, also sentenced to six months rigorous imprisonment U/S 32 188 I.P.C. Both the sentences will, however, run concurrently. He is also fined Rs. 50/- only U/S 32 of the Police Act.

Sd. Illegible,
19.1.1932.
Sub-Divisional Magistrate,
Dehra Dun.

20.1.1932.

ORDER

Tiyagi is not a man of any special education, status or means, and does not seem to have used to any superior mode of living. He will thus be treated as an ordinary prisoner and the question of any special classification does not arise.

Sd. Illegible,
20.1.1932.

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49. JUDGMENT

Both the accused persons Master Ram Sarup (33) and Somendra Mohan Mukherjee (24) are leading Congressmen of Dehra, the former being also the Dictator of the local War Council, while the latter was acting as his Chief Lieutenant. They have been prosecuted together on the Police report dated 23.1.1932 (Ex.–A) and stand charged under section 17(2), I.C.L.A. Act XIV–1908. Both the accused have admitted the allegations in detail and would not put up any defence.

S.I. Darbara Singh (S.O., Dehra) has proved that the District Magistrate's order under Section 144 Cr. P.C. forbidding any procession without previous sanction, was duly proclaimed in the town on 8.1.1932 (Ex–B). Still in defiance of the same these accused persons in the afternoon of 23.1.1932 proclaimed a procession and organised 25 volunteers to march out in batches of five each from the Congress office (Ex–C), and did send them out through bazar to Kotwali (Dehra). Head Constable Dhakan Singh proves that these batches of five each did march out, as previously arranged by accused No. I, assisted by accused No. II who had enrolled the volunteers from outside. M. Abdul Alim Muharrir of the adjacent Motor Association also supports these allegations regarding the accused's activity and their arrangements at the Congress Office. Lastly Hd. constable Bakar Hussain (D.I.S.) has stated how the two accused persons have been advocating Hartals and Boycott of foreign goods, and were bent on creating trouble in the town.

The I.C.L.A. Act (XIV–1908) was extended to these provinces on 12-1-1932 and on 15-1-1932 all such associations connected with the Disobedience Movement have been declared unlawful.

Both the accused persons are proved to have taken part actively and openly in furtherance of this Movement against law and order and were admittedly respectively managing and assisting the local war council, which is undoubtedly an unlawful association. Both are clearly guilty under Section 17(2). They have always been causing trouble and had been dealt with for defiance of authority and investigation last year. Hence Ram Sarup and S.M. Mukerjee are sentenced to two year's rigorous imprisonment and a fine of Rs. 300/- each or in default another six month rigorous imprisonment.

Sd. Illegible,
Sub-Divisional Magistrate,
26.1.1932.

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ORDER

Master Ram Sarup Karanwal and Babu S.M. Mukherji are men only of ordinary education and status and of no means, and they cannot possibly be said to be used to a superior mode of living. Hence they should be treated as ordinary prisoners of class 'C' in Jail.

Sd. Illegible,

20.1.1932.

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50. JUDGMENT

Nakul Mali (25) of Muzaffarnagar has been prosecuted on the report of Dehra Kotwali dated 23.1.1932 under S/188 I.P.C. (vide Ex. B). A procession without previous sanction is prohibited in Dehra under the District Magistrate's order dated 8.1.1932 U/s 144 Cr. P.C. and this order (Ex–A) had duly been published all over the place. The accused has been proved to have taken out a procession through the Bazar in the afternoon of 23.1.1932. The police dispersed the unlawful assembly and arrested him as its leader. The accused is admittedly a Congress worker, and joined the Disobedience Movement here. He also admits that he led the procession with a tricoloured belt and flag. It has also been proved that he was loudly repeating various slogans. I can not, therefore believe that he was not aware of prohibitive order, which he was indeed wilfully defying. There is no doubt in my mind that he obstructed the public road and even refused to disperse. This was indeed very likely to cause a serious breach of the public peace, as the unlawful assembly had to be dispersed. Nakul accused would not put up any defence, and I find him guilty U/S 188 (II Portion) IPC, and sentence him to 3 months rig. imprisonment with a fine of Rs. 50/- in default another 6 months rig. imprisonment. He has no education, status or means and is to be classed C in the jail.

Sd. Illegible,

S. D M., Dehra Dun,

28.1.1932.

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51. JUDGMENT

Ch. Holas Verma (50 years) a petty Book Seller and an old and prominent Congressman of Dehra has been prosecuted under section 17(2) Indian C.L.A. Act (XIV of 1908). The Kotwali report (Ex. B) regarding the occurrence of January 26, 1932 on which the prosecution is based is on the file. The accused has admitted all the allegations against him in detail and would not urge anything against his conviction or put up any defence.

The prosecution story has fully been proved by S.I. Darbara Singh, Incharge of Kotwali, who has further been supported by Police Constable Raghunandan Prasad, who was detailed to watch the movements of the accused and before whom the arrest took place in the morning of January 26, 1932. It has further been proved by Fateh Mohd., Tonga driver, that the accused had been to consult Pt. Nardeo Shastri at Ajabpur on the previous day, when the programme for the Independence Day was apparently discussed and arranged. The accused himself has not concealed his activity for the present Congress Movement. He was admittedly appointed the Dictator for the district on the 23rd instt. And as such he issued the notices for the functions fixed for the Independence Day (vide Ex. A and A1). At the time of arrest also when the salutation of the flag was going on, he was addressing a gathering of 2 to 3 hundred persons. He is undoubtedly a zealous and dangerous leader of the local movement and has admittedly twice been dealt with before under the Salt Laws in 1930 and for Picketing again in 1930. (vide Ex. C). He has been troublesome and will continue to be so and needs an exemplary punishment this time. He is accordingly convicted under

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section 17(2) I.C.L.A. Act and sentenced to two years Rig. Imp. with Rs. 300/- fine or in default of payment another six months Rig. Imp. He is not a man of any special education, status or good means, nor does he appear to be used to any superior mode of living. He will thus be treated as an ordinary prisoner of 'C' class in jail.

Sd. Illegible,

Dated Dehra Dun, Sub-Divisional Magistrate,

The January 29, 1932. Dehra Dun.

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52. JAIL APPEAL

In the court of the Sessions Judge of Saharanpur.

Present :—I.B. Mundle Esqr.I.C.S. Session Judge.

The 10th of January 1932.

Criminal Appeal no 59 of 1932.

Ritha Singh..Convict Appellant

Versus

King-Emperor...Respondent.

Appeal from the Judgment of Mr. Maqbul Ahmad Khan Magistrate fist class of Dehra Dun dated the 18th of August 1932, sentencing the convict appellant to 9 months R.I. and to pay a fine of Rs. 25/- under section 17(2) Criminal Law Amendment Act.

Pleaders :—

For the Crown : The Government Pleader.

For the Appellant : Memo

JUDGMENT

Appellant Ritha Singh has been convicted under Section 17 of the Criminal Law Act and sentenced to 9 months R.I. and a fine of Rs. 25/-.

It appears from the evidence that appellant was arrested along with Bhuma Nand. The charge against them is that they were enlisting volunteers for the Congress which had been declared an unlawful association. Besides the evidence of witnesses some Congress literature was recovered from the person of Bhuma Nand. Nothing incriminating was however found from appellant's possession. Appellant's story is that he was going to Allahabad on receipt of a telegram and was arrested on the way. For some reason or other the telegram was not produced at the trial. It was subsequently sent to this court but appears to have been mislaid. In any case the presence of the telegram goes a long way to disprove the posecution case and to support the defence. The prosecution should have produced the telegram at the trial and its non-production raises a genuine doubt as to the guilt of the present appellant.

I allow the appeal, set aside the order of conviction and acquitting appellant direct that he be set at liberty ; the fine if paid will be refunded.

I. B. Mundle.

I.C.S.

Sessions Judge.

10.1.1932.

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53. JUDGMENT

The two accused Mr. Raneshwar Singh and Kedar Singh stand charged under rule 34 (6) (K) and rule 38 (1) (a) of the Defence of India Act. The prosecution story is as follows:-

It is alleged that on 23rd September 1940 the two accused persons visited V. Lakwar & held a meeting in the house of Sewak Singh. In this meeting both the accused persons are alleged to have asked the audience not to help the Government in the prosecution of the War in any way. The time of the meeting is alleged to be about 4 or 5 p.m. The prosecution evidence is as follows:-

P.W.I. Dharmanand is the first witness in this case. He has stated that on 23.9.40 at 4 or 5 p.m. he was present in a meeting when the two accused exhorted an audience of 20 or 22 persons not to help the Government in the prosecution of the War in any way. The meeting is stated to have been held in Sewak Singh's house in V.Lakwar. He has also admitted that no one took down notes of the speeches in the meeting. At the end of his cross-examination he denied there was any mention of Begar in the meeting.

P.W.2. Ranjit Singh has said that as alleged 20 or 22 men were sitting in Sewak Singh's house at 4 or 5 p.m. when the accused Mr. Raneshwar Singh said that those who can pay should pay for the war fund and those who can not need not. He has also admitted he left the place when the talk was going on. He also stated that the meeting was held inside a room. He also admitted that the three peons had come with him up to the road but he could not say whether the peons and Dharmanand were present in the meeting or not.

P.W. 3. Rupram a candidate peon has stated that the two accused delivered speaches at the alleged time and place, exhorting people not to purchase War bonds and not to give any help to the Government. He signed the report Ext. A and has proved it. He has said that the meeting was held in the veranda of the upper story in Sewak Singh's house.

P.W. 4. Hari Singh supports (P.W.3) Rupram in all he had said in his examination-in-chief. He is a parmanent peon. He could not tell the names of others who were present in the meeting. He has said that the meeting was held in the veranda of the house. He has said he did not enter any room. He heard Mr, Raneshwar Singh left the place, as soon as Kedar Singh started and did not hear any thing else being said in the meeting except the two things mentioned in his examination-in chief.

P.W. 5. Lal Singh, tehsil peon has stated in his examination-in-chief all that prosecution witnesses four and five have said in heirs. In his cross-examination he admits he is only a candidate peon. He has also admitted that the three peons went to the meeting together and left it at one time. Mr. Raneshwar Singh delivered speech first according to him and Kedar Singh last. They left when Kedar Singh was speaking but according to him he heard Kedar Singh speaking for about 5 minutes. As according to all the speakers spoke for about 4 or 5 minutes each he must have heard the full speech of Kedar Singh. He could not tell who else was present except the witnesses. According to him the meeting was held in the varanda. But some men were sitting in the room also.

P.W. 6. Nain Singh has stated that Mr. Raneshwar Singh alone spoke in his presence and said that those who can not pay war subscription need not pay it. In his cross examination he has admitted that Hari Luhar did complain in the meeting that the price of his coal was not paid and that Rupram and one more man were appointed to see the Collector about it. He also stated that the three persons came up to the road with him but he did not see them inside the room. This finishes the prosecution evidence.

In his statement Mr. Raneshwar Singh accused denied that he said the things alleged by the prosecuton against him. He made a long statement explaiming the position of the Congress in the present crisis and argued that being a congress-man he could not ask people to help the Government in the war efforts but at the same time he argues that he could not have disobeyed the congress resolution passed at Ramgarh and the order of the leader. He has even denied that there was any meeting. According to him a few people did talk of Begar but there was nothing else talked.

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Kedar Singh, accused also denied the prosecution allegations: He too alleged it was only about Begar that they talked.

Sewak Singh stated there was no meeting at his house. He was discharged.

The defence produced two witnesses. The first defence witness Narayan Singh has stated that the accused Mr. Raneshwar Singh told people that only those who wanted to purchase may purchase War bonds, but it was not to be done by force. He further stated that the peons who are witnesses and Dharamanand were not there. He also stated that the meeting or gathering to be exact was held in a room. He also gave the information that the staircase opens in the centre of the upper veranda. Dhian Singh Second defence witness has stated that the accused Mr. Raneshwar Singh did not tell people not to subscribe to the war bonds.

In this case the prosecution evidence consists of Dharmanand, three peons, Ranjit Singh and Nain Singh. The first four have stated that the two accused persons (I shall call Mr.Raneshwar Singh accused 1 in future and Kedar Singh accused 2) exhorted an audience of 20 or 22 men not to help purchase War bonds. The last two witnesses have only said that the accused exhortation to the audience was that those who can, may, and those who can not, need not purchase War bonds. The defence has tried to make out certain facts in their cross-examination of the prosecution witnesses. The first thing is that the two last witnesses Ranjit Singh and Nain Singh were asked about the presence of the first four prosecution witnesses in the meeting. They have not directly denied it. They have only said they did not see them. But both of them have admitted that the three peons had come with them up to the house where the meeting took place. If any thing that goes in favour of their being present in the meeting, the 3 peons have said they were in the veranda and these witnesses have said they were in the room and that may be the cause of these witnesses not seeing the peons in the room. Dharmanand, Ranjit Singh and Nain Singh have said the meeting was held inside a room. Lal Singh peon has said some were in the veranda and some were in the room. Whether it is due to ignorance of difference in veranda and a room (the size of both seems to be the same according to the number of men each can accomodate) or to the fact that some men were sitting in one and the rest in the other or simply the fact that the peons were in the veranda and hence they say the meeeting was held in the veranda, but the fact remains that there is this discrepancy. Same discrepancy exists about the opening of the staircase and may be due to the same reasons. Except these discrepancies the defence has not produced any witnesses about the substance of the speeches that the two accused are alleged to have made. Dharmanand (P.W.I.) is one witness against whose evidence the defence has not said a word. Ranjit Singh and Nain Singh (P.W.2&6) have supported the prosecution allegation to some extent. They do not agree with the statements of the two accused persons that nothing was said against the War. But they say it was said in a milder way. According to them the accused said those who can may and those who can need not. It is only a milder and more subtle way of saying the same thing.

The defence witness Narayan Singh has said the two accused said the same thing as Ranjit Singh and Nain Singh have alleged. But Dhian Singh has supported the two accused by saying that there was no mention of the war at all. The two accused's flat denial of any mention of war in the meeting is not supported at least by one defence witness and all the prosecution witnesses are one with this defence witness on this point. This leaves no doubt that the two accused persons did say some thing for giving or not giving help in the War. The accused Mr. Raneshwar Singh has himself said in his statement that he could not ask people to give help in this war because of his opinions. If so, then even the milder form of exhortation alleged by Ranjit Singh and Nain Singh P.W.s and Narayan Singh D.W. could only be to stop people from helping the Government in the prosecution of the war, though the method may be more subtle. But I find absolutely nothing against Dharmanand and the evidence of the three peons too has not been shaken to any greater extent. I therefore believe the prosecution story. Kedar Singh has been talked to accused I by all the witnesses as having said the same thing as Mr. Raneshwar Singh accused and the Prosecution case is proved equally against both.

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Mr. Raneshwar Singh and Kedar Singh accused are convicted of offence under rule 34 (6) (k) read with rule 38 (1) (a) of the Defence of India Act and have committed not with the same deliberation and strength as it is being done now. I think light sentence will be sufficient in this case. Both the accused Mr. Raneshwar Singh and Kedar Singh are sentenced to undergo R. I. for a period of 3 months each.

Sd. Illegible

Magistrate, Ist Class,

Dehra Dun.

7.12.40

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54. ORDER

This is a case brought under rules 121, 34 (6) (K) and 38 (1) (a) (5) of the D.O.I. Rules framed U/s 2 of the D.O.I. Act, 1939 against Khwaja Abdul Aziz. From the evidence it is clear that on 11.1.41 the accused sent letter Ex. PI to the District Magistrate intimating his intention of uttering an anti-war slogan at Bhatta on 14.1.41 at 2 P.M. He was arrested by P.W. 1. on 12.1.41. The accused admits writing the letter Ex. P1. He had therefore clearly committed an act preparatory to the committing of an offence under rules 34 (6) (k). The accused has therefore committed an offence under rules 121, 34 (6) (K) and 38 (1) (a) (5) of the Defence of India Rules, 1939 framed U/s 2 of the D.O.I. Act, 1939 and I accordingly sentence him to 12 months R.I.

Sd. Illegible

13/1/41

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55. JUDGMENT

Mr. Khurshed Lal Vakil has been sent up by the Choharpur police, Thana Sahaspur for trial under rules 121, 38 of Defence of India Act 35 of 1939. It is alleged on behalf of the prosecution that this morning (on 7th January, 1941) the accused did acts preparatory to the contravention of the rules framed under the Defence of India Act by intimating his intetion to the District Magistrate,Dehra Dun for offering Satyagrah at Choharpur by reciting anti-war slogans and by going to Choharpur for this purpose and that he was arrested at Choharpur this morning before he could recite the anti-war slogans.

The prosecution has examined only two witnesses namely B. Parmal Singh Tyagi, Sub Inspector D.I.S. Dehra Dun who arrested the accused and to whom letter Ex. A was sent by the District Magistrate for necessary action. The other witness Abdul aziz has proved the letter Ex. A to be in the hand-writing of the accused and this was the letter which the accused sent to the District Magistrate. The accused who is not only literate but an eminent lawyer himself admits the prosecution allegations and says that he has done all this under instruction of Mahatma Gandhi and he also admits his arrest at Choharpur this morning. After the charge under rules 121 and with rules 34 (6) (K) and rules 38 (1) (5) framed under section 2 of the Defence of India Act XXXV of 1939 was read over and explained to the accused. He refused to plead and admitted charge. No notion or ill will has been alleged against the prosecution and there is no reason to disbelieve them. The admission of the accused is as good as a plea of the guilt. The accused wanted to influence the conduct or attitude of the public at Choharpur in a manner likely to prove detrimental and prejudicial for the defence of British India and for the efficient prosecution of the war for he made preparation for reciting anti-war slogan by asking the people not to co-operate or to help by giving men or money for the war and by suggesting the people that Satyagrah was the only course left to them. This was prejudicial act as defined in rule 34 (6) (K) of the rules framed under tfhe Defence to India act. There is evidence enough to show that he attempted to contravene rules by intimating his intention to the District authorities by going to Choharpur for reciting the anti-war slogans. The case has been proved and the

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accused has not explained anything. On the other hand he admits the prosecution allegations. I find him guilty and convict him under rules 121 read with rule 34(6) (K) and rule 38(1) (5) framed under section 2 of the Defence of India Act (No. XXXV of 1939) and sentence him to one year rigorous imprisonment only. The accused is a lawyer and a man of position and I would recommend that he be classed as a 'B' class prisoner.

District Jail Dehra Dun

7/01/41

Sd. Murari Lal

Magistrate Is Class

7th January, 1941

56. JUDGMENT

Babu Ram Tiagi of mauza Jhabiran, P.S. Deoband, District Saharanpur has been sent up by the Kotwali Police for trial-under the Defence of India Rules. It is alleged on behalf of the prosecution that on the second day of November 1941 the accused offered Satyagrah at Dharampur by reciting anti-war slogans.

The only prosecution witness in this case is M. Sarajul Hussain, second officer of Thana Kotwali, who went to mauza Dharmpur on receipt of information and who arrested the accused. He says that the accused offered Satyagrah before a gathering of 30 or 40 persons and recited the following anti-war Slogans:-

"Is Angrezi larai me adami ya pesa se madad dena harma he. Hamare liye to yahi hai ke ahinsatmak Satyagrah ke zariye Har hathiyar-band larai ka virodh karen."

He has proved the report Ex. C which he made at the Thana. The accused has proved the notice Ex. A which he sent to the District Magistrate intimating his intention of offering Satyagrah and also admits to have offered Satyagrah by shouting the slogans noted in his letter Ex. A, but he has pleaded not guilty. He has no defence to produce.

By so doing the accused influenced the conduct of the people in a manner which was prejudicial to a successful prosecution of the War and the Defence of British India and thereby committed a prejudicial act. Accordingly I find him guilty and convict him under rule 34 (5) (k) read with rule 38 (1) of Defence of India Rules framed under section 2 of the Defence of India Act. No 35 of 1939. The accused Babu Ram is sentenced to three months R.I. and a fine of Rs. 40/- (Rupees forty) in default of payment of which he will suffer R.I. for a further period of one month.

Sd. Murari Lal

04/02/41

City Magistrate.

Dehra Dun.

57. JUDGMENT

This is a police challan case against one Prabhu under rules 34 (6) (g) and 38 (1) (a) (5) of the Defence of India Rules, 1929. The evidence of P.W.1 a Head constable of the D.I.S. shews that on 13/02/41 at about 1:30 p.m. the accused announced outside the A.P. Mission School, Dehra Dun with a congress flag and a bell. He appears to be a sort of town coree. He announced publicly that Alla Dia, a Satyagrahi had been convicted to ten months R.I. and a fine of Rs. 50/- or in default to a further 2 months R.I. He said further that a big star with a tail had been seen over Bombay and that it was the broom of God. He said that those who did not offer Satyagrah would be destroyed, bad times were now over and truth would prevail whilst oppressors would be destroyed. The witness wrote Ex. P.1 at the time. There were about 35 spectators. This story is confirmed in the main by P.W. 2 and 3 although since they had not taken down notes, they did not confirm word for word the alleged speech of the accused.

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On examination the accused admitted that he said roughly what was in Ex. P.I. but that he did not say "those who do not help us will be destroyed." In fact he says he said "that those who wish ill to others will be destroyed." He admits making the announcement so that "those who wish ill to others would be afraid." He did not offer defence or cross-examine the prosecution witness of charge under rules 34 (6) (g) 38 (1) (a) (5) of the Defence of India Rules and for the second complaint the accused admits that he makes announcement for anyone who paid him money.

The position then is this: the accused appeared in public carrying Congress flag and announced that Alla Dia had been convicted for Satyagrah. In the absence of any evidence to the contrary I am therefore of the opinion that on this the accused was working on behalf of Congress. The upshot of his further words was that those who did not help and favour Congress would be punished. This threat he reinforced with a tale of the supernatural appearance of a star over Bombay: The effect of such an announcement by an apparently official representation of Congress in illiterate and supertitous frequenties of the bazaar would certainly be to make them afraid if they did not agree to help Congress. In short the accused made an alarmist announcement calculated to instill fear into the minds of an illiterate and supertitious section of the public. A crowd gathered to hear this announcement although the evidence is not very clear about its size.

The accused thus committed an offence under rules 34 (6) (g) and 38 (1) (a) (5) of the Defence of India Rules framed U/S 2 of the Defence of India Act, 1939 and I accordingly sentence him to six months R.I.

Sd. Illegible

04/03/41

City Magistrate

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58. JUDGMENT

Panna Lal has been sent up by the Rishikesh Police for trial under rules 121 read with rules 34 & 38 framed under Sec. 2 of the Defence of India Act No. 35 of 1939. It is alleged on behalf of the prosecution that on the 3rd day of February 1941 the accused went to Mauza Resham Majri with a few others and there he organised a Congress meeting and established a Mandal by appointing its office bearers and then he delivered a speech which was likely to influence the conduct of the public in a manner likely to be prejudicial to the effective prosecution of the war and thereby he abetted an act preparatory to contravention of the provisions of the rules.

The prosecution has examined 4 witnesses including the investigating officer C. Hukam Singh. He has stated that Ram Chandra Police Constable who has attended the meeting at Majri reported to him the details. Ram Chandra, Police Constable states that the accused called a meeting and delivered a lecture asking the people to be ready for a sacrifice for the cause of their country and also told them to join in large numbers when a Satyagrah is offered in the village. Kudrat Ali who was asked by the accused to preside that meeting also supports Ram Chandra. Fateh Khan, Head Constable I/C of Ranipokhri Police Outpost has proved the report Exhibit "B" which was made by Ram Chandra on his return from Majri. He has also stated that he was away from the Chowki and that Ram Chandra has gone to Majri in his absence, but it is clear from his statement that a note was in the general diary about the deputation and the return of Police Constable.

The accused has pleaded not guilty though he admits to have organised a Congress meeting for abetting Satyagrah in Resham Majri. He also admits that he asked the people to join in large numbers when Satyagrah is offered in Majri and that he also told them to make a sacrifice for the cause of their country. The accused had no defence to produce. The accused by his preparatory act influenced the conduct of people and he abetted or attempted to abett an act which was preparatory to prejudicial act without lawful

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accused has not explained anything. On the other hand he admits the prosecution allegations. I find him guilty and convict him under rules 121 read with rule 34(6) (K) and rule 38(1) (5) framed under section 2 of the Defence of India Act (No. XXXV of 1939) and sentence him to one year rigorous imprisonment only. The accused is a lawyer and a man of position and I would recommend that he be classed as a 'B' class prisoner.

District Jail Dehra Dun

7/01/41

Sd. Murari Lal

Magistrate Is Class

7th January, 1941

56. JUDGMENT

Babu Ram Tiagi of mauza Jhabiran, P.S. Deoband, District Saharanpur has been sent up by the Kotwali Police for trial-under the Defence of India Rules. It is alleged on behalf of the prosecution that on the second day of November 1941 the accused offered Satyagrah at Dharampur by reciting anti-war slogans.

The only prosecution witness in this case is M. Sarajul Hussain, second officer of Thana Kotwali, who went to mauza Dharmpur on receipt of information and who arrested the accused. He says that the accused offered Satyagrah before a gathering of 30 or 40 persons and recited the following anti-war Slogans:-

"Is Angrezi larai me adami ya pesa se madad dena harma he. Hamare liye to yahi hai ke ahinsatmak Satyagrah ke zariye Har hathiyar-band larai ka virodh karen."

He has proved the report Ex. C which he made at the Thana. The accused has proved the notice Ex. A which he sent to the District Magistrate intimating his intention of offering Satyagrah and also admits to have offered Satyagrah by shouting the slogans noted in his letter Ex. A, but he has pleaded not guilty. He has no defence to produce.

By so doing the accused influenced the conduct of the people in a manner which was prejudicial to a successful prosecution of the War and the Defence of British India and thereby committed a prejudicial act. Accordingly I find him guilty and convict him under rule 34 (5) (k) read with rule 38 (1) of Defence of India Rules framed under section 2 of the Defence of India Act. No 35 of 1939. The accused Babu Ram is sentenced to three months R.I. and a fine of Rs. 40/- (Rupees forty) in default of payment of which he will suffer R.I. for a further period of one month.

Sd. Murari Lal

04/02/41

City Magistrate.

Dehra Dun.

57. JUDGMENT

This is a police challan case against one Prabhu under rules 34 (6) (g) and 38 (1) (a) (5) of the Defence of India Rules, 1929. The evidence of P.W.1 a Head constable of the D.I.S. shews that on 13/02/41 at about 1:30 p.m. the accused announced outside the A.P. Mission School, Dehra Dun with a congress flag and a bell. He appears to be a sort of town coree. He announced publicly that Alla Dia, a Satyagrahi had been convicted to ten months R.I. and a fine of Rs. 50/- or in default to a further 2 months R.I. He said further that a big star with a tail had been seen over Bombay and that it was the broom of God. He said that those who did not offer Satyagrah would be destroyed, bad times were now over and truth would prevail whilst oppressors would be destroyed. The witness wrote Ex. P.1 at the time. There were about 35 spectators. This story is confirmed in the main by P.W. 2 and 3 although since they had not taken down notes, they did not confirm word for word the alleged speech of the accused.

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On examination the accused admitted that he said roughly what was in Ex. P.I. but that he did not say "those who do not help us will be destroyed." In fact he says he said "that those who wish ill to others will be destroyed." He admits making the announcement so that "those who wish ill to others would be afraid." He did not offer defence or cross-examine the prosecution witness of charge under rules 34 (6) (g) 38 (1) (a) (5) of the Defence of India Rules and for the second complaint the accused admits that he makes announcement for anyone who paid him money.

The position then is this: the accused appeared in public carrying Congress flag and announced that Alla Dia had been convicted for Satyagrah. In the absence of any evidence to the contrary I am therefore of the opinion that on this the accused was working on behalf of Congress. The upshot of his further words was that those who did not help and favour Congress would be punished. This threat he reinforced with a tale of the supernatural appearance of a star over Bombay. The effect of such an announcement by an apparently official representation of Congress in illiterate and supertitous frequenties of the bazaar would certainly be to make them afraid if they did not agree to help Congress. In short the accused made an alarmist announcement calculated to instill fear into the minds of an illiterate and supertitious section of the public. A crowd gathered to hear this announcement although the evidence is not very clear about its size.

The accused thus committed an offence under rules 34 (6) (g) and 38 (1) (a) (5) of the Defence of India Rules framed U/S 2 of the Defence of India Act, 1939 and I accordingly sentence him to six months R.I.

Sd. Illegible

04/03/41

City Magistrate

58. JUDGMENT

Panna Lal has been sent up by the Rishikesh Police for trial under rules 121 read with rules 34 & 38 framed under Sec. 2 of the Defence of India Act No. 35 of 1939. It is alleged on behalf of the prosecution that on the 3rd day of February 1941 the accused went to Mauza Resham Majri with a few others and there he organised a Congress meeting and established a Mandal by appointing its office bearers and then he delivered a speech which was likely to influence the conduct of the public in a manner likely to be prejudicial to the effective prosecution of the war and thereby he abetted an act preparatory to contravention of the provisions of the rules.

The prosecution has examined 4 witnesses including the investigating officer C. Hukam Singh. He has stated that Ram Chandra Police Constable who has attended the meeting at Majri reported to him the details. Ram Chandra, Police Constable states that the accused called a meeting and delivered a lecture asking the people to be ready for a sacrifice for the cause of their country and also told them to join in large numbers when a Satyagrah is offered in the village. Kudrat Ali who was asked by the accused to preside that meeting also supports Ram Chandra. Fateh Khan, Head Constable I/C of Ranipokhri Police Outpost has proved the report Exhibit "B" which was made by Ram Chandra on his return from Majri. He has also stated that he was away from the Chowki and that Ram Chandra has gone to Majri in his absence, but it is clear from his statement that a note was in the general diary about the deputation and the return of Police Constable.

The accused has pleaded not guilty though he admits to have organised a Congress meeting for abetting Satyagrah in Resham Majri. He also admits that he asked the people to join in large numbers when Satyagrah is offered in Majri and that he also told them to make a sacrifice for the cause of their country. The accused had no defence to produce. The accused by his preparatory act influenced the conduct of people and he abetted or attempted to abett an act which was preparatory to prejudicial act without lawful

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authority. No doubt the notes were taken in the meeting but the substance of the speech reported in Exhibit A & F has practically been admitted by the accused, moreover the Police Constable being illiterate could not have taken notes of the speech. It is immaterial that the gist of the speech was not recorded in the general dairy. In my opinion the charge has been fully established against the accused and he is guilty of having abetted an act preparatory to the prejudicial act and has influenced the conduct of the public in a prejudicial manner. Accordingly I convict him under rules 121 read with rules 34 (6) (K) & rule 38 (1) (a) 5 of the Defence of India Rules framed under Section 2 of the Defence of India Act No. 35 of 1939. Panna Lal is sentenced to 6 months rigorous imprisonment and a fine of Rs. 150/- in default of payment of which he will suffer R.I. for a further period of 3 months.

Dehra Dun — Sd. Illegible

Dated March 12, 1941 — Magistrate,

12/3/41

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59. JUDGMENT

Zalmu Lohar has been sent up by the Rishikesh Police for trial under rule 121 read with rules 34 & 38 of the Defence of India Rules framed under the Defence of India Act. 35 of 1939. It is alleged on behalf of the prosecution that on the 3rd day of February 1941 the accused along with others organised a Congress meeting and abetted or attempted to abett a prejudicial act by asking the people to make a sacrifice for the cause of their country and to go to jail like other Satyagrahis.

The prosecution has examined 4 witnesses including Ch. Hukam Singh, Station Officer of Thana Rishikesh who investigated the case. He has stated that the accused is the Secy. of the Congress Committee of Mauza Joligrant which is in his circle.

Ram Chandra, Police Constable who attended the Congress meeting at Resham Majri has stated that the accused told the people to work for the Congress and to be ready for a sacrifice for their country and told them to suffer imprisonment and pay fine like others as Khem Chand, Gulab Singh who have been convicted for offering Satyagrah. Kudrat Ali who presided the meeting at Resham Majri supports the Police Constable and has stated that the accused has also decided for offering Satyagrah. Fateh Yab Khan, Head Constable I/C of Ranipokhri Police Out Post has proved the report Exhibit "B" which was made to him by Ram Chandra on his return from Resham Majri. No doubt the Constable being illiterate Could not take any note in the meeting and he made only a verbal report of what he had heard in the meeting but I don't think that this fact affects the case adversely. Firstly because no ill will or motive has been attributed to the prosecution witnesses and secondly the accused himself has pleaded guilty and has admitted nearly all the material allegations of the prosecution. The accused has not produced any defence witnesses as he has pleaded guilty nor he has stated any reasons for his prosecution. It has been proved that he did go with others to Mauza Resham Majri and that he organised a Congress metting and asked Kudrat Ali to preside it and then he made a speech advising the people to make a sacrifice for the cause of their country and to suffer imprisonment and fine for offering Satyagrah as others had done. This act of the accused amounts to an abettment preparatory to a prejudicial act and he is guilty not only for abettment but for influencing the conduct or attitude of the public in a manner likely to be prejudicial to the defence of British India or to the effective prosecution of the war. Accordingly I find Zalmu accused guilty and convict him under rules 121 read with rules 34 (6) (K) & rule 38 (1) (a) (5) of the Defence of India Rules framed under Section 2 of the Defence of India Act No. 35 of 1939, and sentence him to 6 months R.I. and a fine of Rs. 50/- or in default of payment to undergo 2 months further R.I.

Dehra Dun — Sd. Murari Lal

Dated March 12, 1941 — 12.3.41

Ist Class Magistrate.

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60. JUDGMENT

This is a case against Mst. Shiama Devi under rules 36 (6) (K) & 38 (1) (a) (5) of the D.O.I. Rules. The evidence shows that on 24/03/41 in Hanuman Chowk the accused uttered the anti-war slogan set up in Ex. P.I. before about 250 people after having intimated her intention to the D.M.in Ex. P1.

The accused pleaded guilty, offered no defence and would not cross-examine the prosecution witnesses.

It is clear that the accused uttered the anti-war slogan in an attempt to dissuade the public from aiding in the present war and therefore committed an offence under rules 34 (6((K) 38 (1) (a) (5) of the D.O.I. Act 1939 and I accordingly sentence him to 12 months S.I.

Sd. Illegible

26/03/41

I.C.S.

City Magistrate.

61. JUDGMENT

This is a case under rules 34 (6) (K) 38 (1) (a) (5) of the D.O.I. Rules against Mst. Saraswati. The evidence shows that on 23.3.41 she sent Ex. P.I. to the D.M. intimating her intention of uttering the anti-war slogan set therein at Dharmpur on 25.3.41. P.W. 2 shows that she uttered this anti-war slogan before 250 people of Dharmpur on 25/03/41 and was arrested.

The accused pleads guilty and does not offer defence. She has clearly committed an offence under rules 34 (6) (K) & 38 (1) (a) (5) of the D.O.I. Rules framed U/s 2 of the D.O.I. Act, by uttering the anti-war slogan in an attempt to dissuade the public from aiding in the present war. I therefore sentence her to 6 months S.I. and a fine Rs. 500/- or in default to a further 6 months. S.I.

Sd. Illegible

City Magistrate

27.3.41

62. JUDGMENT

Mst Uma Devi, wife of Ram Saroop, Rajput of Arraghar has been sent up by the Sahaspur police for trial under rules framed under the Defence of India Act 2 (Act XXXV of 1939). It is alleged on behalf of the prosecution that on the first day of April, 1941 the accused offered Satyagrah in Mauza Doonga P.S. Sahaspur by reciting annti-war Slogans before a crowd of 200 persons. The accused first sent letter Ex. "B" to the District Magistrate, Dehra Dun intimating her intention of offering Satyagrah at Doonga on 1.4.41. Two prosecution witnesses have been examined in the case M. Abdul Majid Khan Head Constable of the Sahaspur who arrested the accused says that the accused offered Satyagrah in his presence and shouted the following solgan:- "*Is Angrezi larai men admi ya paisey se madad dena haram hai hamarey liye to yeh hai ki ahinsatmak Satyagrah ke zariye har hathyarband larai ka birodh karen.*" He has also proved the first report Ex. 'A'. Karimuddin identifies the accused and supports the Head Constable as he was present in the meeting when the Satyagrah was offered.

The accused admits to have sent letter Ex. 'B' to the District Magistrate under her signature and she also says that she did offer Satyagrah by shouting anti-war slogan and has pleaded guilty. She has made no other statement nor produced defence. The fact that she advised so many people not to contribute to the war fund and not to enlist for the army clearly shows that she did a prejudicial act and prejudiced the effective prosecution of the war and the Defence of British India without lawful authority. The case has

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been established against her. I find her guilty and convict her under rules 34 (6) (K) read with rule 38 (1) (a) (5) of the Defence of India rules framed under Section 2 of Defence of India Act, No. 35 of 1939. Mst. Uma Devi is sentenced to four months rigorous imprisonment and a fine of Rs. fifty 50/- in default of payment of fine she will suffer R.I. for further period of two months.

District Jail — Sd. Murari Lal

Dehra Dun — Magistrate Ist Class,

5/4/41 — 5th April, 1941

63. JUDGMENT

Sher Singh Rajput of Barausi P.S. Rishikesh has been sent up by the Rishikesh Police for trial under the Defence of India Rules 34 & 38 framed under the Defence of India Act No. 35 of 1939. It is alleged on behalf of the prosecution that the accused intimated his intention of offering Satyagrah to the District Magistrate and that he did offer Satyagrah at Mauza Barausi by reciting anti-war slogans on the 2nd of April 1941.

The prosecution has examined only one witness namely Ch. Hukam Singh S/O of Thana Rishikesh who had seen the accused offering Satyagrah and heard him reciting the following slogans before a gathering of 300 persons:-

"Is Agrezi larai men admi Ya paise se madad dena haram hai"

The Sub-Inspector registered the case in Thana on receiving the intimation on 1st April and he had proved the report Exhibit "A".

The accused admits his signatures on letter Exhibit "B" which he had sent to the District Magistrate intimating his intention of offering Satyagrah in which he had noted the anti-war slogans. He also admits that he offered Satyagrah by reciting the annti-war-slogans and has pleaded guilty. He had not made any detailed statement nor has questioned the veracity of the prosecution witness.

By reciting the anti-war slogans the accused did a prejudicial act without lawful authority for the influenced the conduct or attitude of the people present there in a manner likely to be prejudicial to the defence of British India and to the efficient prosecution of the war.

Accordingly I find him guilty and convict him under rules 34 (6) (K) read with rules 38 (1) (a) (5) of the Defence of India rules framed under Sec. 2 of the Defence of India Act. No. 35 of 1939. He is sentenced to 6 months R.I. and a fine of Rs. 50/- in default of which he will suffer R.I. for a further period of 2 months.

Dated 8 April 1941, — Sd. Murari Lal

Dehra Dun — 8.4.41

Magistrate 1st Class.

64. JUDGMENT

Deo Pal Singh Rajput of Bhogpur has been sent up by the Rishikesh Police for trial under the Defence of India Rules for offering Satyagrah. It is alleged on behalf of the prosecution that on the 4th day of April 1941 at Mauza Bhogpur the accused offered satyagrah at 2 p.m. by reciting anti-war slogans.

The prosecution has examined 2 witnesses including Ch. Hukam Singh S/O Thana Rishikesh. He has proved the letter Exhibit "A" which he got from the Sub-Inspector D.I.S. and has also proved the report Exhibit "B" by means of which he registered the case at his Thana. Fatehyab Khan, Head Constable of Police, No. 28 who arrested the accused is an eye-witness who saw the accused offering Satyagrah and heard

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him reciting the following slogans to a gathering of 30 or 40 men at the Panchayati Dharamsala in Bhogpur: *" Is Angrezi larai men Admi ya paise se madad dena haram hai. Hamare liye to yahi hai ke Ahinsaatmak Satyagrah ke zariye hathiyar bandh larai ka virodh karen"*

The accused has pleaded guilty and admits the prosecution allegations by saying that he had sent the letter Exhibit "A" under his signatures and that he did offer satyagrah by reciting anti-war slogans noted in his letter.

By asking the people not to help Government in men and money during the war he influenced the conduct of a portion of the defence of British India and to the efficient prosecution of the war and thereby he committed prejudicial act without lawful authority. Accordingly, I find him guilty and convict him under Rule 34 (6) (K) read with 38 (1) (5) of the Defence of India Act framed under Section 2 of the Defence of India Act No. 35 of 1939 and sentence him to 5 months R.I. and fine of Rs. 75/- in default of payment of which he will suffer R.I. for a period of 2-1/2 months.

Dehra Dun, (Sd) Murari Lal,

Dated 8 April, 1941 8.4.1941

Magistrate Ist Class.

65. JUDGMENT

Sita Ram Brahman of Rishikesh P.S. Rishikesh has been sent up by the Rishikesh Police for trial under the Defence of India Rules 34 & 38 framed under the Defence of India Act No. 35 of1939. It is alleged on behalf of the prosecution that the accused intimated his intention of offering Satyagrah to the District Magistrate and that he did offer Satyagrah at Rishikesh by reciting anti-war slogans on the 4th April, 1941.

The prosecution has examined only one witness viz. Ch. Hukam Singh S/O of Thana Rishikesh who had seen the accused offering Satyagrah and heard him reciting the following slogans before a gathering of 400 or 500 persons. *"Is Angrezi larai men Admi ya pase se made dena haram hai Hamare liye to Yahe hai ke Ahansatmak Satyagrah ke zarye hatyar bandh larai ka birodh karen"*

The sub-Inspector registered the case in the Thana and prepared the check receipt Exhibit B which he has proved. The accused admits his signatures on the letter Exhibit A which he had sent to the District Magistrate intimating his intention of offering Satyagrah and in which he had noted the anti-war slogans. He also admits that he had offered Satyagrah by reciting the anti-war slogans and has pleaded guilty. He has not made any detailed statement nor has questioned the veracity of the prosecution witness.

By reciting the anti-war slogans the accused did a prejudicial act without lawful authority for he influenced the conduct or attitude of the people present there in a manner likely to be prejudicial to the defence of British India and to the efficient prosecution of the War.

Accordingly, I find the accused guilty and convict him under rules 34 (6) (k) read with rules (a) (5) of the Defence of India Rules framed under sec.2 of the Defence of India Act No. 35 of 1939. He is sentenced to 4 months R.I.and a fine of Rs. 250/-in default of payment of which he will suffer R.I. for a further period of 3 months.

Dehra Dun Murari Lal,

8.4.1941 8.4.1941

Magistrate Ist Class.

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66. JUDGMENT

Sukhbir Singh Rajput of Gunian Alias Gadwari P.S. Rishikesh has been sent up by the Rishikesh Police for trial under the Defence of India rules for offering Satyagrah. It is alleged on behalf of the prosecution that on the 5th day of April, 1941 at Mauza Madsi the accused offered satyagrah at 2 P.M. by reciting anti-war slogans.

The prosecution has examined only one witness and has stated that he got the letter Exhibit "B" from the Sub-Inspector D.I.S. at about 5.30 p.m. after he had arrested the accused who was going to offer Satyagrah there. He has stated that the accused offered Satyagrah in front of a Panchayati house where there was a Congress flag at Madsi and that he recited the following anti-war slogans to a gathering of 30 or 40 men who were present there:-

"Is angrezi larai men Admi ya pase se madad dena haram hai hamare liye to yahe hai ke Ahinsaatmak Satyagrah ke zariye hatyar bandh larai Ka birodh karen"

He has also proved the report Exhibit "A" by which he had registered the case at his Thana.

The accused has pleaded guilty and admits the prosecution allegation by saying that he had sent the letter Exhibit "B" under his signatures and that he did offer Satyagrah by reciting anti-war slogans noted in his letter. By asking people not to help the Govt. by men and money during the war he influenced the conduct of a portion of the public in a manner which was likely to be prejudicial act without lawful authority. Accordingly I find him guilty and convict him under Rules 34 (6) (k) read with rules 38 (I) (5) of the Defence of India Act framed under sec. 2 of the Defence of India Act and sentence him to 6 months R.I. and fine of Rs. 50/- on default of payment of which he will suffer R.I. for a further period of 2 months.

Dehra Dun — Murari Lal,

Dated 8th April, 1941 — 8.4.1941

Magistrate Ist Class.

67. JUDGMENT

Budh Singh S/O Lachmi Singh Rajput of Gobindwala has been sent up by the Rishikesh Police for trial under rules framed under section 2 of the Defence of India Act No. 35 of 1939. It is alleged on behalf of the prosecution that on the 14th day of April 1941 the accused offered Satyagrah at Ranipokhri by reciting anti-war slogans and thereby committed a prejudicial Act.

The prosecution has examined only 2 witnesses including R. Pramal Singh S.I. (D.I.S.) who has proved his endorsement Ex. C. on the letter which the accused had sent to the District Magistrate intimating his intention of offering Satyagrah. Ch. Hukam Singh, S.I. of Rishikesh has stated that he got the letter Ex. A on 13.4.41 and registered a case against the accused. He has further stated that he could not find the accused that day or on the morning of the 14th. April, but he saw him at about 2 p.m. at Ranipokhri while he was reading the following slogan. *"Is angrezi larai men admi ya paise se madad dena haram hai, hamare liya ehi he ki Ahinsatmak satyagrah ke zariye har hathyarband larai ka virodh karen"*.

The accused admits to have sent the letter Ex. A under his signature to the District Magistrate and to have offered Satyagrah at Ranipokhri by reciting the slogan noted in his letter and repeated by the S.O. the accused has pleaded guilty. It is clear from the evidence on record as well as from the plea of the accused that he influenced the conduct of the people present at Ranipokhri that day which was likely to be prejudicial in the effective prosecution of the war and the Defence of British India. Therefore he is clearly guilty and is liable for committing a prejudicial act. Accordingly I find him guilty and convict him under

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rule 34(6)(k) read with rule 38 (I) (a) (5) of the Defence of India rules framed under section 2 of the Defence of India Act 35 of 1939 and sentence the accused Budh Singh to five months R.I. and fine of Rs. 75/- in default of payment of which he will suffer R.I. for a further period of two months.

Murari Lal,

Magistrate Ist Class.

15.4.1941

68. JUDGMENT

Alla Dia has been sent up by the Sahaspur Police for trial under the Defence of India Rules framed under section 2 of the Defence of India Act No. 35 of 1939. It is alleged on behalf of the prosection that on 24th day of Jan. 1941 the accused attempted to abet the commission of Satyagrah in the Congress Meeting which was held at Tilak Bhawan in Choharpur and in which Pt. Som Prakash was to offer Satyagrah by reciting anti-war slogans.

The accused is already undergoing imprisonment for some other offence under the rules framed under the Defence of India Act and has pleaded not guilty. He says that he did not abet the offence nor he organised the meeting but he made a speech in the meeting and asked the people to be peaceful.

The prosecution has examined 5 witnesses including Ch. Hardyal Singh, Station Officer of Thana Sahashpur who has proved the report Exhibit 'A' saying that he had seen the accused in the meeting and that it was the accused who notified to the audience that Pt. Som Prakash will come and offer Satyagrah at 2 p.m. and also advised them not to repeat the slogans but to hear them. He also intimated to them his intention of offering Satyagrah himself. Abdul Majid, Police Constable of Choharpur Police Out Post as well as Kabir Ali, Syed Ahmed and Kanhiya Lal witnesses have proved that the Congress meeting which has held at Choharpur on 24.1.41 was attended by them as well as by the accused. They have proved that it was the accused who declared to the audience of 200 or 300 people that Pt. Som Prakash Vakil will offer Satyagrah in that meeting by reciting anti-war slogans and that it was the accused who advised the people to hear the slogans and to act on them but not to repeat them. They also prove that in that very meeting Pt. Som Prakash came at 2 p.m. and offered Satyagrah by saying *"Government ko Admi ya pase se madad dena haram hai"*. The accused says that he did not make any declaration to the audience and that it was the president of the meeting that did so and that he had come very late in the meeting after his prayers in the mosque. In his defence he has examined about a dozen witnesses including the Station Officers of Thana Rishikesh and Rajpur who do not help him. Ch. Hukam Singh of Rishikesh has stated that the speech of the accused which he made in Joligrant meeting was exciting. The accused may or may not have made a speech in the meeting in which Pt. Shis Ram or Pt. Joti Ram offered Satyagrah. These facts do not counteract the part which the accused took in organising the meeting at Choharpur. Sewa Ram who presided the meeting at Choharpur has stated that the accused came to the meeting at 1.45 p.m. and that it was he and not the accused who notified the audience about the Satyagrah to be made by Pt. Som Prakash. Babu Lal Verma also supports the president and says that the accused advised the people to be peaceful. Pt. Govind Ram Bhatt, Genl. Secretary of the District Congress Committee, Dehra Dun has stated that he sent the accused to several Congress meetings including one at Choharpur which was held on 24th January 1941 and that he had given several instructions asking the people not to resist the arrest made by the police. Besides the two Police Officers other defence witnesses being Congress-men are partial to the accused, Moreover they do not directly prove that the accused did not take part in organising the meeting at Choharpur. Most of these defence witnesses have stated what the accused had done and how he had behaved at other Congress meetings. There may or may not have been anything objectionable in the other Congress meetings but there is satisfactory evidence on the record to show that so far as the meeting at Choharpur is concerned the accused not only declared his intention of offering Satyagrah but also notified to the people the object of the meeting and also advised them to act on the slogans which were to be recited by Pt. Som

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Prakash who was to offer Satyagrah. Thus it is clear that the accused conveyed the instructions to the people of the Secretary of the Congress Committee and he assisted in carrying the news and promoting the Movement by the part he played. It is immaterial whether he had heard the slogans recited by Pt. som Prakash or not. It was done by him before the slogans were recited. In my opinion the charge has been established against the accused. Accordingly, I find him guilty and convict him under rule 121 read with rules 34 (6) (k) and rule 38 (I) (a) (5) of the Defence of India Rules framed under section 2 of the defence of India Act No. 35 of 1939. The accused Alla Dia is sentenced to 4 months R.I. and a fine of Rs. 50/- in default of payment of which he will suffer R.I. for a further period of 2 months. This sentence will begin on the expiry of the sentence of the accused which he is undergoing at present.

Dehra Dun — Murari Lal,

Dated April 15, 1941 — 15.4.41

Magistrate Ist Class.

69. JUDGMENT

Chet Ram, Chela of Uria Baba, the Bairagi of Rishikesh has been sent up by the Police of Rishikesh for trial under rules framed under section 2 of the Defence of India Act 35 of 1939. It is alleged on behalf of the prosecution that on the 13th day of April, 1941 at Rishikesh the accused abetted the offence of Satyagrah and did acts preparatory to a contravention of the provisions of the Defence of India Rules by intimating his intention to the District Magistrate of offering Stayagrah on the 15th April, 1941 at Rishikesh by reciting anti-war slogans and thereby committed a prejudicial act.

The prosecution has examined 3 witnesses including Ch. Hukam singh S/o of Rishikesh, who on receipt of information deputed his Head Constable for the arrest of the accused who was to offer Satyagrah. He has also proved that the letter which he got from Sadar and which was sent by the accused to the District Magistrate containing the following slogan *"Is angrezi Iarai men British Government ko Jan-dhan adi kisi prakar bhi sahaita Karana haram he aur satya dharm aur ahimsa dwara bharat ko azad karana pirtyak hindostani ka kartave he".*

B. Pramal Singh who got the letter Ex. A from the District Magistrate has proved his endoresent Ex. C. on this letter. Zafar Husain, Head Constable has proved that he was deputed by the S.O. and that on learning that Chet Ram accused was going to Hardwar where a public function was going to be held in connection with the Satyagrah, arrested the accused before he offered Satyagrah. The accused admits his signature on the letter Ex. A and says that he had sent it to the District Magistrate after noting the anti war-slogan on it, by reciting which he was to offer Satyagrah on 15.4.41. He pleads guilty to the charge. The accused is a young man who has admitted the prosecution allegation which have also been proved by the evidence on record. The anti-war slogan which he noted in his letter is certainly such which could influence the attitude of the public in a manner likely to be prejudicial to the efficient prosecution of the war and for the Defence of British India. Sending of the letter and intimating his intention of offering Satyagrah was undoubtedly preparatory act towards the commission of the offence.I therefore find him guilty for abetting the offence of Satyagrah and promoting the Movement and convict him under rule 124 read with rule 34 (6) (k) and rule 38 (i) (a) (5) of the Defence of India Rules framed under section 2 of the Defence of India Act 35 of 1939 and sentence him to 4 months R.I. and a fine of Rs. 25/- in default of payment of which he will suffer R.I. for a further period of one month.

Murari Lal,

17/4/41

Magistrate Ist Class.

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70. JUDGMENT

Budh Singh Dom of Joligrant has been sent up by the Rishikesh Police for trial under the Defence of India Rules. It is alleged on behalf of the prosecution that on the 9th May at Joligrant the accused offered Satyagrah by recting anti-war slogans.

The only witness in this case is Ch.Hukam Singh, Station Officer of Thana Rishikesh who is an eye witness. He has proved the letter Exhibit "A" which the accused sent to the District Magistrate intimating his intention of offering Satyagrah. He further says that the accused recited the following slogan before the audience of 50 or 60 people and that he arrested the accused forthwith :—

"Is angrezi larai men admi ya paise se madad dena haram hai"

The accused admits the prosecution allegations and has pleaded guilty by asking the people not to help the Government with men and money, he influenced the conduct of the people whom he adressed in a manner which was prejudicial for the defence of British India and the successful prosecution of the war and thereby committed a prejudicial act. Accordingly I find him guilty and convict him under rule 34 (6) (k) read with rule 38 (a) (5) of the Defence of India Act no. 35 of 1939 and sentence him to 6 months R.I. and fine of Rs. 20/- in default of payment of which he will suffer R.I. for a further period of 1 month.

Dehra Dun — Murari Lal,

Dated May 17, 1941. — 17.5.1941

Magistrate Ist Class.

71. JUDGMENT

Padam Singh Rajput of Koti has been sent up by the Rishikesh Police for trial under the Defence of India Rules. It is alleged on behalf of the prosecution that on 12th day of May, 1941 the accused offered Satyagrah at Thano by reciting anti-war slogans.

The only witness in this case is Ch. Hukam Singh, Station Officer of Thana Rishikesh who is an eye witness. He has proved the letter Exhibit "A" which the accused sent to the District Magistrate intimating his intention of offering Satyagrah. He further says that the accused recited the following slogans before the audience of 60 or 70 people and that he arrested the accused forthwith :—

"Is angrezi Larai men admi ya paaise se madad dena haram hai: Hamare liye to yahe hai keh ahinsatmak Satyagrah ke zariye har hatyar bandh Larai ka birodh karen".

The accused admits the prosecution allegation and has pleaded guilty by asking the people not to help the Government with men and money, he influenced the conduct of the people whom he addressed in a manner which was prejudicial for the defence of British India and the successful prosecution of the war and thereby committed a prejudicial act. Accordingly I find him guilty and convict him under rule 34 (6)(k) read with rule 38 (1) (a) (5) of the Defence of India Rules framed under section 2 of the Defence of India Act No. 35 of 1939 and sentence him to 4 months R.I. and a fine of Rs. 100/- in default of payment of which he will suffer R.I. for a period of 3 months.

Dehra Dun. — Murari Lal,

May 17, 1941 — 17.5.1941

Magistrate Ist Class.

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72. JUDGMENT

Dhian Singh Rajput of Kanswali Kothri P.S. Sahaspur has been sent up for trial under the Defence of India Rules framed under Section 2 of the Defence of India Act no. XXXV of 1939. It is alleged on behalf of the prosecution that on the 15th day of May, 1941 the accused offered Satyagrah in mauza Haripur by reciting anti-war slogans.

The prosecution has examined two witnesses including Ch.Hardial Singh S.O. of Sahaspur who arrested the accused. He has proved the letter Ex. A and the first information report Ex. B saying that the accused offered Satyagrah by reciting the following slogans in his presence :—

"Is angrezi larai men admi ya paisa se madad dena haram hai. Hamare liye to yahi hai ki ahinsatmak Satyagrah ke zariye har hathiyarband Larai ka virodh Karen" Salimuddin the other prosecution witness supports the Sub-Inspector. The accused admits the prosecution allegations and also admits that the letter Ex, A which he sent to the District Magistrate intimating his intention of offering Satyagrah bears his signatures. He has pleaded guilty to the charge.

The accused by asking the people not to help the Government with men and money influenced the conduct of those people in a manner which was prejudicial to the war and therefore he is guilty of having committed a prejudicial act. Accordingly I convict Dhian Singh accused under Rule 34 (6) (k) *read* with Rule 38 (1) (a) (5) of the Defence of India Rules framed under Section 2 of the Defence of India Act and sentence him to 4 months R.I. and a fine of Rs. 50/-in default of payment of which he will suffer R.I. for a further period of 2 months.

Dehra Dun. Murari Lal,

20.5.41 20.5.1941

Magistrate Ist Class.

73. JUDGMENT

Ram Deo Brahmin has been sent up by the Rishikesh police for trial under Rules 34 and 38 of the Defence of India Rules framed under Section 2 of the Defence of India Act no. XXXV of 1939. It is alleged on behalf of the prosecution that at Mauza Kuthar the accused offered Satyagrah by reciting anti-war slogans of which he had given an intimation to the District Magistrate.

The only evidence in this case is of Ch. Hukam Singh, S.O. Thana Rishikesh in whose prsence the accused offered Satyagrah and who arrested him soon after. He has stated that the accused recited the following slogans before a gathering of 30 or 35 persons at the water tank in Mauza Kuthar where a Congress flag was also put up :— *"Is angrezi larai men Admi ya paise se madad dena haram hai. Hamare liye to yahi hai ke Ahinsaatmak Satyagrah ke zariye har hathiyarband larai ka virodh karen."* The accused admits the prosecution allegations and has pleaded guilty. He also admits that the letter Ex. A which he sent to the District Magistrate bears his signatures. The accused by asking the people not to help the Government with men and money influenced the conduct of those who were present in that gathering in a manner which was likely to be prejudicial act. Accordingly I find him guilty and convict him under Rule 34 (6) (k) *read* with Rule 38 (1) (a) (5) of the Defence of India Rules framed under Section 2 of the Defence of India Act and sentence him to four months R.I. and fine of Rs. 25/- in default of payment of which he will suffer further R.I. for a period of one month.

Sd. Murari Lal,

Dehra Dun, Magistrate Ist Class.

4.6.41. 4.6.1941

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74. JUDGMENT

Padam Singh Rajput of Mauza Bamet has been sent up by the Rishikesh Police for trial under Rules 34 and 38 of the Defence of India Rules framed under Section 2 of the Defence of India Act no. 35 of 1939. It is alleged on behalf of the prosecution that on the 13th day of June, 1941 at Mauza Bamet P.S. Rishikesh the accused offered Satyagrah by reciting anti-war slogans before a gathering of 25 or 30 persons.

The only evidence in this case is of Ch. Hukam Singh, Station Officer of Thana Rishikesh who arrested the accused. He has stated that the accused offered Satyagrah in the presence of a crowd of 30 persons by reciting the following slogans, "Is angrezi larai men Admi ya paise se madad dena haram hai. Hamare liye to yahe hai ke Ahinsaatmak Satyagrah ke zariye har hathiyarband larai ka virodh karen." The accused has pleaded guilty. He also admits to have sent the letter Ex. A to the District Magistrate intimating his intention of offering Satyagrah. By asking the people not to give men and money to the Government he influenced the conduct of the people in a manner which was prejudicial to the defence of British India and the successful prosecution of the war and hence he committed a prejudicial act. Accordingly I find Padam Singh guilty and convict him under Rules 34 (6) (k) read with Rule 38 (1) (a) (5) of the Defence of India Rules framed under Section 2 of the Defence of India Act and sentence him to three months R.I. and a fine of Rs. 30/- in default of payment of which he will suffer R.I. for two months.

Sd. Murari Lal

Dehra Dun, Magistrate Ist Class.

23.6.41 23.6.41

75. JUDGMENT

Bhuria Rajput of Mauza Barkot has been sent up by the Rishikesh Police for trial under Rules 34 and 38 of the Defence of India Rules framed under Section 2 of the Defence of India Act No. 35. On the 24th day of June, 1941 the accused offered Satyagrah at Mauza Nahin Kalan by shouting anti-war slogans.

On 21st June, 1941 the accused sent an intimation to the District Magistrate expressing his intention of offering Satyagrah on the 24th June and also wrote in his letter the slogan which he was going to recite. On receipt of this information, Rishikesh Police reached Mauza Nahin Kalan and Fatehyab Khan, Head constable of Ranipokhri Police outpost saw the accused offering Satyagrah by shouting the following slogan:— *"Is Angrezi Larai men Admi ya paise se madad dena haram hai. Hamare liye to yahi hai ke Ahinsaatmak Satyagrah ke zariye har hathiyarband larai ka virodh karen."*

He has identified the accused saying that he proceeded to the spot on receipt of letter Ex. A and that there was a crowd of thirty or forty people where the accused recited the above slogans. The other witness is Ch.Hukam Singh S.O. of Rishikesh who has proved the letter Ex. A on which he made an endorsement after registering a case at the Thana. The accused admits the prosecution allegation and has pleaded guilty. He also admits his signatures on the letter Ex. A on which he made an endorsement after registering a case at the Thana. The accused admits the prosecution allegation and has pleaded guilty. He also admits his signatures on the letter Ex. A which he sent to the District Magistrate intimating his intention of offering Satyagrah. By asking the people not to help the Government with men and money the accused influenced the conduct of the people in a manner which was prejudicial to the defence of British India and the successful prosecution of the war and thereby he committed a prejudcial act. Accordingly I find the accused guilty and convict him under Rule 34 (6) (k) read with 38 (1)(a)(5) of the Defence of India Rules framed under section 2 of the Defence of India Act and sentence him to four months R.I. and a fine of Rs. 30/- in default of payment of which he will suffer further R.I. for one month.

Sd. Murari Lal,

Dehra Dun, Magistrate Ist class.

28.6.41 28.6.41

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76. JUDGMENT

Sohan Lal Brahman of Tilai has been sent by the Rishikesh Police for trial under the Defence of India Rules. It is alleged on behalf of th prosecution that on the 28th day of June, 1941 at Mauza Dharkot the accused offered Satyagrah by reciting anti-war slogans.

The prosecution has examined only two witnesses, namely the Station Officer of Thana Rishikesh and Fatehyab Khan, H.C. of Ranipokhri police outpost. He is an eyewitness who has proved his endorsement Ex. "C" on the order he got from the Station Officer and has stated that the accused offered Satyagrah in his presence at Mauza Dharkot before a crowd of 25 or 30 persons and recited the following anti-war slogans *"Is angrezi larai men Admi ya paise se madad dena haram hai. Hamare liye to yahi hai ke Ahinsaatmak Satyagrah ke zariye har hathiyarband larai ka virodh karen."* S. Hukam singh, the S.O. has stated that he got the letter Ex. A from S.I. (D.I.S.) Dehra Dun and had deputed Fatehyab Khan, Head Constable to go to Dharkot for taking necessary action of arresting the accused. The accused has pleaded not guilty though he admits the prosecution allegations and also admits to have sent the letter Ex. A to the District Magistrate intimating his intention of offering Satyagrah at Dharkot on 28th June. By asking the people not to help the Government with men and money he influenced the conduct of the people in a manner which was prejudicial to the defence of British India and to the successful prosecution of the war. By doing so the accused committed a prejudicial act as defined in the Act. Accordingly I find him guilty and convict him under Rule 34 (6) (k) *read* with Rule 38 (1) (a) (5) of the Defence of India Rules framed under Section 2 of the Defence of India Act No. 35 of 1939. I sentence Sohan Lal to three months R.I. and fine of Rs. 50/- in default he will suffer further R.I. for a period of two months.

Sd. Murari Lal,

Magistrate Ist class.

16.7.41

77. JUDGMENT

Kunwar Singh Rajput of Mauza Bamet has been sent up by the Rishikesh Police for trial under Rules 38 and rule 34 of the Defence of India rules. It is alleged on behalf of the prosecution that on the 7th day of July,1941 at Mauza Suridhar the accused offered Satyagrah by reciting anti-war slogans before a crowd of 25 to 30 people.

The prosecution has examined two witnesses including Ch. Hukam Singh S.O. Thana Rishikesh who got the letter Ex. A from Sub-Inspector D.I.S. Dehra Dun and in which he has proved his endorsement. He has further stated that after getting the case registered he had directed Fatehyab Khan, head constable to take the necessary action as he had to go to Dehra Dun for giving evidence in another case. Fatehyab Khan, head constable is an eyewitness who went to Mauza Kaithal on receipt of letter Ex. A and when he did not find the accused there he proceeded to Suridhar where the accused was going to offer Satyagrah. He has proved the report Ex.C and stated that the accused offered Satyagrah in his presence by reciting the following anti-war slogan. *"Is Angrezi Larai men Admi ya paise se madad dena haram hai. Hamare liye to yahi hai ke Ahinsaatmak Satyagrah ke zariye har hathiyarband larai ka virodh karen."* The accused has pleaded not guilty though he admits the prosecution allegations and also admits to have sent the letter Ex. A to the District Magistrate intimating his intention of offering Satyagrah on the 7th July at Kaithal though in this particular case he did not actually offer Satyagrah at Mauza kaithal but offered Satyagrah at Mauza Suridhar which he admits. The accused has no defence nor has he made any detailed statement. By telling the people not to help the Government with men and money he influenced their conduct in a manner which was likely to be prejudicial to the successful prosecution of the war and to the

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Defence of British India. Thereby he committed a prejudicial act. Accordingly I find him guilty and convict him under Rule 34 (6) (k) *read* with Rule 38 (1) (a) (5) of the Defence of India rules framed under Section 2 of the Defence of India Act No. 35 of 1939. I sentence the accused to three months R.I. and a fine of Rs. 40/- in default of which he will suffer six weeks futher R.I.

Dehra Dun, Sd. Murari Lal,

16.7.41 Magistrate Ist Class.

78. JUDGMENT

Pitambar Datt Brahmin of Teheri State has been sent up by the Sahaspur Police for trial under Rules 34 and 38 of the Defence of India Rules. It is alleged on behalf of the prosecution that on the 22nd day of July, 1941, the accused offered Satyagrah at Mauza Sherpur by shouting anti-war slogans before a crowd of 25 men. The only witness in this case is Ch. Hardial Singh S.O. Sahaspur who indentifies the accused and supports the prosecution story. He says that the accused offered Satyagrah in his presence and recited the following anti-war slogans, *"Is angrezi larai men Admi ya paise se madad dena haram hai. Hamare liye to yahi hai ke ahinsaatmak Satyagrah ke zariye har hathiyarband larai ka virodh karen."* The accused admits the prosecution allegations but has pleaded not guilty. He admits that the letter Ex. A intimating his intention of offering Satyagrah was sent by him to the District Magistrate and that he did actually offer Satyagrah by repeating the slogans noted in the letter. In doing so he prejudiced the conduct of the people in a manner which was likely to affect successful prosecution of the war and the defence of the British India for he advised the audience not to help the Government with men and money. The accused has committed a prejudicial act as defined in the Act. Accordingly I find him guilty and convict him under Rule 34 (6) (k) read with Rule 38 (1) (a) (5) of the Defence of India Rules framed under Section 2 of the Defence of India Act No. 25 of 1939 and sentence the accused to three months R.I. and a fine of Rs. 30/- in default of which he will suffer further R.I. for a period of one month.

Sd. Murari Lal,

Dehra Dun, Magistrate Ist Class.

28.7.41 28.7.41

79. JUDGMENT

Pooran Chand Brahmin of Dehra Dun city has been sent up by the Sahaspur Police for trial under Rules 34 and 38 of the Defence of India Rules. It is alleged on behalf of the prosecution that on the 24th day of July, 1941 at Mauza Bhowala the accused offered Satyagrah by shouting anti-war slogans and asking the people not to help the Government with men and money.

The only witness in this case is Ch. Hardial Singh S.O. of Thana Sahaspur who is an eyewitness and who arrested the accused. He says that before a gathering of 30 persons the accused read out the following anti-war slogans *"Is Angrezi larai men Admi ya paise se madad dena haram hai. Hamare liye to yahi hai ke Ahinsaatmak Satyagrah ke zariye har hathiyarband larai ka virodh karen."* He has also proved the letter Ex. A which he got from S.I. (D.I.S.) intimating the intention of the accused. The accused admits the prosecution allegations and has pleaded guilty to the charge. By asking the people not to help the Government during the present war with men and money he influenced the conduct of the public in a manner which was likely to be prejudicial to the successful prosecution of the war and the defence of British India and thereby he committed a prejudicial act as defined in the Act. Accordingly I find him guilty and convict him under Rule 34 (6) (k) *read* with Rule 38 (1) (a) (5) of the Defence of India Rules framed

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under Section 2 of the Defence of India Act No. 35 of 1939 and sentence him to three months R.I. and a fine of Rs. 30/- in default of payment of which he will suffer R.I. for a further period of one month.

Dehra Dun, Sd. Murari Lal

28.7.41 Magistrate Ist Class.

28.7.41

80. JUDGMENT

Hariram Brahmin has been sent up by the Rishikesh police for trial under Rules 34 and 38 of the Defence of India Rules. It is alleged on behalf of the prosecution that on the 28th day of July, 1941 at Rishikesh the accused offered Satyagrah by reciting anti-war slogans and thereby committed a prejudicial act.

The only prosecution witness in this case is Ch. Hukam Singh S.O. of Thana Rishikesh. He is an eyewitness who has proved letter Ex. A stating that the accused recited the following anti-war slogan in his presence before a gathering of 70 or 80 persons and offered Satyagrah, *"Is angrezi Larai men admi ya paisa se madad haram hai, hamare liye yahi hai ki ahinsatmak satyagarh ke zariye har hathiyarband larai ka virodh karen"*. the accused admits the prosecution allegations saying that he did send the letter Ex. A to the District Magistrate intimating his intention of offering Satyagrah and that he did actually offer Satyagrah by reciting the slogans noted in his letter, but he has pleaded not guilty. He has no defence to produce and has not made any detailed statement. By asking the people not to help the Government with men and money he influenced their conduct in a manner which was likely to be prejudicial to the Defence of British India and the successful prosecution of the war and thereby he committed a prejudicial act. The case has clearly been proved against the accused. Accordingly I find him guilty and convict him under Rule 34 (6) (k) *read* with Rule 38 (1) (a) (5) of the Defence of India rules framed under Section 2 of the Defence of India Act No. 35 of 1939 and sentence him to three months R.I. and a fine of Rs.50/- in default of payment of which he will suffer R.I. for a further period of two months.

Dehra Dun, Murari Lal,

6.8.41 Magistrate Ist Class.

6.8.41

81. APPEAL

In the court of the Additional Session: Judge of Saharanpur.

Present :—K.K.K. Nayar, Esqr. I.C.S. Addl. Sessions Judge.

The 26th of November 1941.

Criminal Appeal No. 97 of 1941.

Pandit Shanti Prapanna Sharma...Convict-Appellant.

Versus

King-Emperor...Respondent.

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Appeal from the Judgment of Mr. Murari Lal, Magistrate, first class of Dehra Dun dated the 27th of August, 1941. Sentencing the convict-appellant to four months imprisonment and a fine of Rupees one thousand U/s 26 (1) (e) *read* with Rule 26 (6) of the Defence of India rules under Section 2 of D.I.A. pleaders.

For the Crown :—The Government Pleader.

For the Appellant :— B. Mela Ram Advocate.

JUDGMENT

This appeal is against a conviction under Rule 26 (6) of the Defence of India Rules for alleged transgression against an order under Rule 26 (1) of the Defence of India Rules. The appellant Shanti Prapanna Sharma was tried before Mr. Murari Lal, a Sub-Divisional Magistrate of Dehra Dun and convicted and sentenced to rigorous imprisonment for four months and a fine of Rs. 1000/- or in default further rigorous imprisonment for four months on the charge of disobeying an order directing him to report weekly at Rishikesh police station his presence in the village of Rishikesh. He is now undergoing his sentence of imprisonment in Dehra Dun Jail. He was heard personally and through counsel in support of his appeal.

The following is briefly the history of the case in appeal :— The appellant is the son of Mahant Paras Ram of Rishikesh. He is also the Chairman of the District Board of Dehra Dun. He professes the political persuasions of the Indian National Congress. Apparently he has been politically active. In April 1941 the police of Dehra Dun proceeded against him under the provisions of the Defence of India Act and Rules. Sub-Inspector Parmal Singh of the Criminal Investigation Department arrested Shanti Prapanna Sharma on 17th April, 1941 under the provisions of Rule 121 (1) of the Defence of India Rules. Sharma was lodged in the District Jail at Dehra Dun. The Local Government was promptly informed Sharma's arrest. The Chief Secretary to the Government of the United Provinces thereupon by an order dated 23rd April directed under Rule 129 (2) the detention of Shanti Prapanna Sharma in Dehra Dun Jail for a total period of two months which is the maximum period, provided under the rules. This order from the Chief Secretary is Ex. D. on the record of the case in appeal.

Before the expiry of this period of two months the Local Government apparently decided to release Shanti Prapanna Sharma on certain conditions. Those conditions are contained in the order Ex. C. on record dated 27th May, 1941, which purports to have issued from the Chief Secretary to the Government of the United Provinces but does not bear his signature. Those conditions which ostensibly were imposed under the provisions of Rules 26 (1) (d) , (2) and (f) of the Defence of India Rules are as follows:—

Shanti Prapanna Sharma–(1) Should except when reporting his presence at Police Station Rishikesh, reside and remain in village Rishikesh, P.S. Rishikesh, District Dehra Dun (2) report his presence in person at Police Station Rishikesh once a week until further orders, (3) submit to check of his presence in village Rishikesh through Police Officer visiting this village, (4) refrain from any activities in any way connected with the Satyagrah campaign.

Since Rishikesh Police Station is in Rishikesh Village, the first of these conditions would seem to prepond a paradox that must baffle ingenuity. Its paradoxical phraseology is, however, obviously the result of careless application of Shanti Prapanna Sharma's case of formula suited only to the case of a person who lives in a village that does not accomodate a police station. We are not, however, concerned in this case either with this condition or with Conditions 3 and 4.

On 5th June, 1941 the order was read out and its conditions explained to Shanti Prapanna Sharma in the District Jail by Dr. R.S. Srivastava, the Superintendent of the District Jail. Sharma who is himself a graduate understood the conditions well enough but showed no appreciation of them. He protested indignantly in writing against what he considered the insulting nature of the Government's order and he

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also declared his intention not to abide by it. Ex. D on the record is his communication on this point to the Superintedent of the jail.

The result was that Shanti Prapanna Sharma who would not acquiesce in his conditional release, remained in jail for the maximum period of two months for which he could be detained under Rules 129 (1) and (2). At the expiry of that period he was on 6th June 1941 released from the jail. The same order Ex. C was for a second time read out and explained to him, this time by Mr. Barrett, a first Class Magistrate of Dehra Dun. Shanti Prapanna Sharma consistently with the attitude he had adopted, protested against the conditions and made an endorsement on the back of the order to the effect that he understood its conditions but considered them an invasion of ordinary civil liberties.

The same evening Shanti Prapanna Sharma reached Rishikesh. He omitted, however, to report at Rishikesh Police Station either his arrival or his continued presence. That he did not till his re-arrest two weeks later leave Rishiksh is a matter of common acceptance to him and to the Crown.

As Sharma had failed to report once a week at Rishikesh Police Station as he had by order been directed to do, Sub-Inspector Hukam Singh, the Officer in-charge at Rishikesh Police Station, arrested him on Ist July 1941 for alleged contravention of the conditions of the order that bound him. It is not clear on what authority the Sub-Inspector carried out this arrest. The same day the sub Inspector submitted to the sub-divisional Magistrate at Dehra Dun a report in writing under Rule 130 of the Defence of India Rules of the facts constituting the alleged infringement by Sharma of the Defence of India Rules. In due course Sharma stood his trial. He pleaded not guilty to the charge of infringing the rules made under the Defence of India Act. His plea was rejected by the learned Magistrate who convicted and sentenced him. This is Sharma's appeal.

For the purposes of this appeal it is not necessary to enter into a detailed discussion of the validity of all the four restrictions, which were imposed on Shanti Prapanna Sharma's liberty by the order in question. Our attention must be limited in this appeal to the validity of restriction No. 2 since the charge against Sharma is that he violated this restriction in the order. The other three restrictions Nos. 1, 3 and 4 may safely be omitted from the further discussion on this case.

On behalf of the Crown three persons, Sub-Inspector Hem Chand Joshi of the Criminal Investigation Department, Jafar Hussain Kazmi, the Jailor of Dehra Dun District Jail and Sub-Inspector Hukam Singh, the Station Officer of Rishikesh Police Station, were examined as witnesses. Their testimony is mostly of formal character, it serves to establish the circumstances of Sharma's arrest, detention and release and re-arrest. These circumstances are not denied by Sharma. In his defence Shanti Prapanna Sharma examined four witnesses Dr. R.S. Srivastava, the Superintendent of Dehra Dun District Jail, Mr. Hifazat Husain, the District Magistrate of Dehra Dun, Mr. Barett, a First Class Magistrate of Dehra Dun, and Ghansham Singh Rawat who had before Sharma's conviction been convicted for contravening a similar restriction under Rule 26 (1) (2) of the Defence of India Rules. Incidentally I must observe that Rawat's appeal against his conviction is still pending for hearing. For the purposes of this case a discussion of testimony of these witnesses in not at all necessary. To Mr. Hifazat Husain's testimony I shall presently have to make a casual reference.

Two grounds have been urged against Sharma's conviction. They are, one that the order Ex. C imposing conditions on Sharma's liberty is invalid since it does not bear the signature of the Chief Secretary, and two, that the direction to Sharma to report once a week at Rishihesh Police Station his presence in Rishikesh village was illegal since it could not be made in exercise of the legitimate powers reserved to the Local Government under the Defence of India Act Rules. I proceed to consider these arguments in their order.

The order Ex. C is on the record. It purports to have issued from the Chief Secretary to the Government of the United Provinces. That is not signed by the Chief Secretary is quite obvious and undeniable. To save this order from invalidation through the absence of the Chief Secretary's signature, an

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attempt was made on behalf of the Crown to establish that this order although unsigned did in fact emanate from the Chief Secretary along with a covering letter to Mr. Parkin, the Superintendent at Nainital of the Special Branch of the Criminal Investigaion Department. It was further sought to prove that this order was transmitted from Mr. Parkin's office to the office of the Superintendent of Police at Dehra Dun. From the Police Superintendent's office it was sent to the Superintendent of the District Jail of Dehra Dun for execution.

The fate of this appeal would be uninfluenced by the concession that this order did in fact travel from the office of the Chief Secretary to the Superintendent of the District Jail through the route that has been traced. But as the manner in which these facts have been sought to be proved, has been severely criticised in appeal. I must make atleast passing reference to this aspect of the case.

The letter to Mr. Parkin is Ex. 1 on the record. The designation of the signatory to that letter does not appear from that letter. If that designation had appeared under the signature, then, under the provisions of section 57 (7) of the Indian Evidence Act, the court could have presumed the genuinness of the signature. As the designation of the signatory did not appear on the letter, the prosecution was reduced to the necessity of proving that signature. For this purpose Mr. Hifazat Husain, who appeared as a defence witness, was asked if he recognised the signature on the letter Ex. 1 of Mr. R. F. Mudie, the Chief Secretary to the Government of the United Provinces. Mr. Hifazat Husain declared that signature was indeed Mr. Mudie's. Two objections have been raised to this method of proving a signature on a document on which the prosecution relies to prove the case. The first objection is that the proof was furnished through the statement of a defence witness whom the accused could not have cross-examined on this point. This objection is sound. To prove a document that is to be utilised as a basis for prosecution the Crown cannot wait till the accused has entered on his defence. That proof must be adduced in sufficient time to enable the accused to impugn it. The second objection is that Mr. Hifazat Husain did not explain if he confidently identified the signature, because he had seen Mr. Mudie signing papers or because he is adept at identifying signatures. This objection is again sound. Mr. Hifazat Husain's statement which, I presume, must have been made on the strength of the fact that he has seen many genuine signatures from Mudie's pen, is not quite tantamount to legal proof of the genuineness of the signature in question.

This, however, is matter of little moment to the case. It may safely be taken for granted not only that the signature on Ex. 1 is Mr. Mudie's but also that the order Ex. C issued from the office of the Chief Secretary. After having to its satisfaction proved these facts the Crown considered that it had set up a good case in favour of the validity of the order Ex. D.I.I. cannot accept this view.

No sanctity attaches to an order merely from the circumstance of its emanation from a certain office. Sanctity in law and validity are conferred on the order by the signature of the officer who is empowered to issue the order. An unsigned order from the Chief Secretary is no more sacrosanct than an unsigned decree of the warrant of a court. It is altogether, beside the point in such a case to investigate whether the order or the decree of the warrant is authentic in the sense that it emanated from the office that purports to have issued it. The authenticity of an order is an attribute which is distinct from its validity. I hold that although the order Ex. C is authentic in the sense that it did issue from the office of the Chief Secretary to the Government of the United Provinces, it is not valid because it does not bear the signature of the Chief Secretary. The order being invalid it could create in Sharma no legal obligation to respect it or to obey its conditions. In flouting the directions in that order Sharma did not therefore, commit any offence punishable under Rule 26(6) of the Defence of India Rules.

I proceed now to consider the second ground of appeal viz. that condition No. 2 in the order was an illegal imposition.

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The learned Counsel for the Crown counters this argument with the condition that the court is precluded from questioning the validity of any order made under the Defence of India Rules. He cited in support of this contention section 16(1) of the Defence of India Act. It reads as follows :—

"No order made in exercise of any power confered by or under this Act shall be called in question in any court."

According to the learned Counsel for the Crown, this section makes all orders purporting to have been made under the provisions of the Defence of India Act and Rules sacrosanct and immune from challenge in a court of law. I cannot concur in the view that the immunity conferred by this section is so comprehensive. In my interpretation this section makes only those orders unchallengable which are made in exercise of if the power conferred by an order under the Act. For example if the power is exercised by the Local Government then the court will not question the order imposing these restrictions although in the ordinary state of law the court would not tolerate such a restiction. The section does not, however, in my view save from challenge these orders which are not in the scope of the powers conferred by the Defence of India Act. For example the Act does not confer on the Local Government power to direct that a person shall remain without speech or food. Such a direction not being within the scope of the powers conferred under the Act would be challengable in all courts of law. I hold that an order purporting to have been made under the Defence of India Act and Rules is saved from challenge in a court of law only when that order is made in exercise of the powers conferred by the Act and when it is within the scope of those powers and that Section 16 (1) cannot save from nugatoriness of an order purporting to be under the Defence of India Rules and Act though in reality outside the scope of the powers conferred by the Act.

It remains to decide whether the direction to Sharma to report himself once a week at Rishikesh Police Station was legal and within the powers conferred on the Local Government by the Act.

The order Ex. C purports to have been made under Rules 26 (d), and (f). These three sub-rules read as follows :—

(d) '(order) requiring him to reside or remain in such place or within such area in British India as may be specified in the order.

Sub-rules (d) and (f) may be ignored for the purposes of this discussion because the direction made under these sub-rules have not been violated. The condition which forms the subject of the present contention was ostensibly made under sub-rule. Such an imposition as condition No. 2 in the order could have been made on Sharma.

A careful perusal of sub-rules (d) and (e) shows the sub-rule (d) meets the case of a person to whom movements are not merely circumscribed but altogether denied while order sub-rule (e) meets the case of a person whom a certain latitude of movement is allowed. It is significant that sub-rule (d) although it empowers the Government to compel a person to remain in a certain area does not empower the Government to direct that the person should further report himself at stated times. The obligation to notify movements is created only by sub-rule (e) and that in a person to whom movement is allowed. A distinction must be drawn between movement and static presence. While the Government can direct a person, to whom movement is allowed, to notify his movements, it cannot similarly direct a person to notify his continued presence in the place of his residence while an order prohibiting from movement from his place of residence exists.

My view is that sub-rule (e) does not empower the Government to direct a person to notify his continued presence in the village to which he is confined. Accordingly I hold that when Sharma was directed to remain always in Rishikesh, the Government could not at the same time direct him to report his presence at Rishikesh Police Station. This direction which is No. 2 of the order Ex. C is outside the powers conferred under the Defence of India Act and Rules. It is, therefore illegal.

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On the findings that the order served on Shanti Prapanna Sharma was invalid and that the direction therein to report himself once a week at Rishikesh Police Station was illegal, I set aside Sharma's conviction and sentence under Rules 26 (6) to the Defence of India Rules. Shanti Prapanna Sharma who is in jail shall be released forthwith.

Dated, Dehra Dun — Sd. K.K.K. Nayar,

the 26th November, 1941 — I.C.S.,

Addl. Sessions Judge.

82. JUDGMENT

B. Kishan Chand Singhal has been sent up by the Kotwali police for tial under Rule 121 *read* with Rule 38 of the Defence of India Rules framed under section 2 of the Defence of India Act No. 35 of 1939. It is alleged on behalf of the prosecution that on the forenoon of 31st October, 1941, at Darshani Gate in Dehra Dun the accused attempted to abet the offence of offering Satyagrah which is prejudicial act within the meaning of Defence of India Rules.

One Yatendra Kumar of Saharanpur district had sent a notice on 30th October to the District Magistrate, Dehra Dun, that he will offer Satyagrah at Mauza Mehuwala, P.S. Kotwali, Dehra Dun, at 2 P.M. on 31st October, 1941, and he was actually found offering Satyagrah and was consequently arrested and convicted under Rules 34(6) (k) *read* with Rule 38(1) (a) (5) of the Defence of India Rules. Before his offering Satyagrah Congress flag salutation ceremoney was held at Dehra Dun. The accused is Secretary of the District Congress Committee at Dehra Dun, and he was released from Jail only very recently. He joined the flag salutation ceremony at Darshani Gate on 31.10.41 and recited the flag song and also announced that they had gathered there to congratulate Yatendra Kumar who was going to offer Satyagrah in the afternoon at Mauza Mehuwala.

The prosecution has examined four witnesses in this case including B. Ranmal Singh sub-Inspector of District Intelligence Staff at Dehra Dun. He says that he got notice Ex. A about the Satyagrah by Yatendra Kumar and he sent it to S.O. Kotwali for necessary action after endorsing it. He further proves his note on the report of Alamdar Husain P.C. of D.I.S. who made a report Ex. P about the flag salutation ceremony held in the forenoon on 31.10.41 at Darshani Gate in which nearly 15 persons took part including the accused and Yatendra Kumar. Alamdar Husain P.C. No. 284 proves his report exh. P saying that the accused has read the flag song and announced the purpose of the meeting and that Yatendra Kumar was going to offer Satyagrah. Abdul Alim and Kuar Singh are the two witnesses who support Alandar Husain and prove the report Ex. P. Abdul Alim does not clearly identify the accused but the other witness does.

The accused has pleaded not guilty to the charge under Rule 121 *read* with Rule 38(1) (a) (5) of Defence of India Rules but he admits that he joined the flag salute meeting and that he announced therein that Yatendra Kumar was going to offer Satyagrah and that he also congratulated him. He has not produced any defence.

This is a case in which the bare facts are practically admitted by both the parties but legal arguments had been adduced at length and it has been argued on behalf of the accused, who is himself a lawyer that he did not commit any offence as the offence was not committed by Yatendra Kumar as a result of his attempt or actions. There is no evidence on behalf of the prosecution that it was the accused who organised or arranged the meeting nor there is any mention of it in the first report. It only says that the accused read the flag song and told the persons present there that he had gathered them to congratulate Yatendra Kumar who was going to offer Satyagrah. There is evidence to show that Yatendra Kumar had notified his intention of offering Satyagrah at Mehuwala on 31.10.41 at 2 p.m. before the meeting or before the announcement made by the accused. Criminal law recognises four stages in the commission of

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an offence viz.-intention, preparation, attempt and the final act constituting the offence. Intention *per-se* is not punishable at all, preparation is punishable in rare cases and attempt is punishable in majority of cases while the final act is always punishable. In this case the accused did not do anything which led to the commission of the offence by the Satyagrahi Yatendra Kumar. There is no evidence to show that it was the accused who instigated or persuaded Yatendra Kumar to offer Satyagrah. What could be said at best is that he encouraged him by giving him "Ashirbad" on his intention to offer Satyagrah. This does not say that it was the accused who took him towards Mehuwala. An attempt has been made to make up this deficiency in the oral evidence but it is all got up. Abetment consists in aiding or assisting in the commission of the crime and such aid or assistance must be something more than mere advice. There is no evidence to show that but for the assistance or encouragement rendered by the accused the Satyagrahi Yatendra Kumar would not have committed the offence. Mere using of validectory words is not an offence. It was a mere oral declaration of sympathy by the accused and that comes within the first stage. It can hardly be called preparation.

Relying on the principle of the recent ruling of Hon'ble Allahabad High Court (Mr. Justice Ganga Nath) in criminal revision No. 686 of 1941 (king Emperor vs. Hafiz Nurul Hasan) I find that the accused has not committed any offence. Accordingly I find B. Kishan Chand Singhal not guilty and acquit him of the charge.

Sd. Murari Lal

17.11.41

Magistrate First Class

83. JUDGMENT

Mst. Bhagwan Devi, Jogipada, of Kheri Kalan District Saharanpur has been sent up by Kotwali police for trial under the Defence of India Rules. It is alleged on behalf of the prosecution that on the 25th day of November 1941 the accused offered Satyagrah by reciting anti-war slogans at Mauza Ajabpur Kalan in District Dehra Dun.

The accused sent a notice Ex. A on 24th day of November, 1941, to the District Magistrate, Dehra Dun intimating her intention of offering Satyagrah on the 25th November, 1941 at 2 p.m. in Mauza Ajabpur Kalan and thereafter offered Satyagrah by reciting the following slogan :—

"Is Angrezi Larai me admi ya paise se madad dena haram hai. Hamare liye to yahi hai, ke Satyagrah ke zariye har hathiyarband larai ka virodh karen."

B. Shanti Chand, sub-Inspector of Kotwali Police, who went to Mauza Ajabpur Kalan on receipt of notice Ex. A fully supports the prosecution story and is an eye witness in whose presence the Satyagrah was offered and the above noted slogan was recited.

The accused admits the prosecution allegations and proves her signature on letter Ex. A. She has pleaded guilty to the charge and has no detailed statement to make. By asking the people not to help the Government with men and money during the present war she influenced the conduct of the audience in a manner which was prejudicial act. Accordingly I find her guilty and convict her under Rule 34 (6) (k) *read* with Rule 38 (1) (a) (5) of the Defence of India Rules framed under Section 2 of Defence of India Act No. 35 of 1939 and sentence her to two months R.I. and a fine of Rs. 30/- in default of payment of which she will suffer R.I. for a further period of one month.

Sd. Murari Lal

4/12

City Magistrate

Dehra Dun.

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84. JUDGMENT

Mst. Kishan Devi Vaish of Kheri Kalan, District Saharanpur has been sent up by Kotwali police for trial under the Defence of India Rules. It is alleged on behalf of the prosecution that on the 25th day of November 1941 the accused offered Satyagrah by reciting anti-war slogans at Mauza Ajabpur Kalan in District Dehra Dun.

The accused sent a notice Ex. A on 24th day of November, 1941 to the District Magistrate, Dehra Dun intimating her intention of offering Satyagrah on the 25th November, 1941 at 2 p.m, in Mauza Ajabpur Kalan and thereafter offered Satyagrah by reciting the following slogans :

"Is Angrezi Larai me admi ya paise se madad dena haram hai. Hamare liye to yahi hai, ke Satyagrah ke zariye har hathiyarband larai ka virodh karen."

B. Shanti Chand, sub-Inspector of Kotwali Police, who went to Mauza Ajabpur Kalan on receipt of notice Ex. A fully supports the prosecution story and is an eye witness in whose presence the Satyagrah was offered and the above noted slogan was recited.

The accused admits the prosecution allegations and proves her signature on letter Ex. A. She has pleaded guilty to the charge and had no detailed statement to make. By asking the people not to help the Government with men and money during the present war, she influenced the conduct of the audience in a manner which was prejudicial to the defence of British India and the successful prosecution of the war and thereby she committed a prejudicial act. Accordingly I find her guilty and convict her under Rule 34 (6) (k) *read* with Rule 38 (1) (a) (5) of the Defence of India Rules framed under Section 2 of Defence of India Act No. 35 of 1939 and sentence her to two months R.I. and a fine of Rs. 30/- in default of payment of which she will suffer R.I. for a further period of one month.

Sd. Murari Lal

4/12.

City Magistrate

Dehra Dun.

85. JUDGMENT

Prabhu has been sent up by Kotwali police for trial under Rule 34 *read* with the Rule 38 of the Defence of India Rules framed under Section 2 of the Defence of India Act. No. XXXV of 1939.

It is alleged on behalf of the prosecution that on the 12th day of August 1942 the accused collected a gathering at the Motor Stand Lakhibagh by ringing a hand-bell and made an announcement which caused fear and alarm in the mind of public and which was also prejudicial to the defence of British India and the successful prosectuion of the war.

The prosectuion has examined 4 witnesses in this case including Alamdar Husain, Police Naik No. 284 attached to the D.I.S. Dehra Dun. He states that the accused collected a crowd of about 50 persons and after reciting the following couplet:—

"Chali Chala ki ber hai, bhali bhala kar le,
Phir jane kab awan honge, mili mila kar le."

Thereafter the accused announced that all the people have been arrested and that firing was taking place and that there was no one to pass orders. He further exhorted audience by saying that anybody whether Congress man or not could do anything he liked provided he was prepared to offer his life. He has proved his note Ex. A Ibrahim and Mohd. Husain support him on all material points and prove their signatures on note Ex. A. Abbas Haider who was at the Lakhibagh Police outpost also supports the prosecution and has stated that the speech of the accused had an adverse effect on the audience and resulted in disturbance of the peace.

The accused has pleaded not guilty though he admits to have made the speech as noted in note Ex. A by collecting a crowd at the Motor Stand at Lakhibagh. He has neither made any detailed statement

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nor has examined any defence. He has neither cross examined the witnesses nor attributed any motive to them. The speech that he made was certainly most objectionable and against the facts for there were no arrests made in August 1942 nor there was any firing. By making such statement the accused wanted to make public believe that there was no Government official left to pass oders and administer the district and that every body was free to do whatever he liked. The accused committed a prejudicial act by saying so, for he influenced the conduct of the audience in a manner which was prejudicial to the defence of British India and to the successful prosecution of the war. Accused may have been a Congress worker but he has no business to spread such false rumous and to cause fear and alarm in the mind of public. In my opinion the charge has fully been brought home to the accused. Accordingly I find him guilty and convict him under Rule 34 (6) (g) & (K) read with Rule 38 (1) (a) (5) of the Defence of India Rules famed under Section 2 of the Defence of India Act, and sentence him to 4 months R.I. and a fine of Rs. 50/- in default of payment of which he will suffer R.I. for a further period of 2 months.

Dehra Dun.
11th Sept. 1942

Sd. Murari Lal
4/12
City Magistrate,
Dehra Dun.

86. JUDGMENT

B. Har Saran Dass Kambhoj has been sent up by the Mussoorie police for trial under Rule 34 *read* with the Rule 39 of the Defence of India Rules. It is alleged on behalf of the prosecution that on the fourteenth day of November, 1942 the accused was found in possession of two pamphlets containing prejudicial reports and the same were recovered from his residential house at Mussoorie.

The accused is a teacher in the Ghananand High School, Mussoorie and lives in Landour Bazar. On receipt of information the sub-Inspector, D.I.S. Dehra Dun, got a search warrant from the District Magistrate and with the help of the Station Officer, Mussoorie the house of the accused was searched and 2 notices called "Congress Ka Programme" in Hindi were recovered from the house of the accused. These Hindi notices contained highly prejudicial reports. Hence this case.

The prosecution has examined three witnesses including M. Abdul Jalil Khan, Station Officer, Mussoorie who took a search. He fully supports the prosecution, proves the notice or pamphlets Exhibits A and B, and the recovery list C. Baisakhi Lal and Mohammad Yamin are the two search witnesses who support the sub-Inspector on all material points and prove the recovery list Exhibits A & B which were recovered from the almirah of the accused which was placed in the central room of his house. The accused admits the recovery saying that he did not know whether these papers were in his almirah. He further states that he has been a teacher in the Ghananand High School, Mussoorie for about 12 years and during this period he has never taken part in the Congress activities. He has expressed regret saying that it was probably due to his negligence that someone could place these papers in his house. He has pleaded guilty to the charge which has been fully established on the strength of the evidence which is on the record. The notices which were recovered from the possession of the accused are a sort of appeal to the public asking them to turn out the Britishers and to set fire to court, Post Offices and other Government property and asking people to close their shops and to encourage sabotage and to arrest the policeman and such like. This is a highly prejudicial matter which includes the public conduct in a manner which is prejudicial to the Defence of British India and the successful prosecution of the war. Accordingly I find him guilty and convict him under Rule 39(1) (b) (6) *read* with Rule 34 (7) of the Defence of India Rules framed under Section 2 of the Defence of India Act XXXV of 1939. The accused is an educated middle-aged man who has no previous conviction. The story set up by him does not appear to be probable as no outsider or unauthorised person could enter the central room of his house and plant these papers inside his almirah in which books and other papers of the accused were kept. Taking all these circumstances into consideration I sentence the accused to a fine of Rs. 300/- (three hundred) only in default of payment of which he will suffer four months rigorous imprisonment.

Sd. Murari Lal
30.11.42
Magistrate I Class,
Dehra Dun.

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87. JUDGMENT

B. Shanti Sarup Vakil and Rameshwar Dass a student of D.A.V. College of class XII have sent up by the Kotwali police for trial under the Defence of India Rules. It is alleged on behalf of the prosecution that on the 19th day of October, 1942 the two accused were found in possession of copies of "Congress Dhendhora" Newspaper of 17/11/42 which contained prejudicial reports and that one of them, namely B. Shanti Sarup distributed these papers to the other accused.

On the Dushehra festival day at about 8.30 p.m. while Narain Dass D.I.S. Police Constable was on duty in the Bazar in plain dress he saw B. Shanti Sarup going with a bag in his hand. The policeman suspected him and began to shadow him. He saw this accused going to the shop of Rameshwar Dass accused in Paltan Bazar and after taking him with him gave him 80 copies of "Congress Dhendhora" Newspaper which he had in his bag and told him something. After that B. Shanti Sarup went towards Sarnimal House and Rameshwar Dass accused went to his shop. Rameshwar Dass tried to conceal these papers under his shirt but he was caught and these papers were recovered from his possession. Soon after B. Shanti Sarup was also arrested and newspapers were recovered from his possession also. Alamdar Husain of D.I.S. met Narain Dass who entrusted Rameshwar Dass accused to him and reported the facts to him and he prepared a recovery list. After that Narain Dass proceeded in search of B. Shanti Ṣarup and arrested him in front of Mitroo Halwai's shop, and while he was taking him to the Kotwali Alamdar Husain met them, searched the person of B. Shanti Sarup and recovered the papers from his possession as well and prepared a recovery list. Hence this case.

The prosecution has examined five witnesses including Narain Dass and Alamdar Husain who fully support the prosecution story and prove the recovery list Ex. A & B and the report Ex. C which was made at the Thana Kotwali the same evening after the arrest of the accused. Salim Ullah and Yasin prove the recovery list Ex. A saying that papers were recovered from the possession of Rameshwar Dass in their Ex. B saying that Hindi newspapers were recovered in his presence from the possession of Shanti Sarup accused. Narain Dass, who is the principal witness in this case and who originally arrested the accused and saw Shanti Sarup giving the "Congress Dhendhora" newspaper to Rsameshwar Dass accused gives some contents of the Hindi newspaper-Congress Dhendhora-which contain highly prejudicial matter.

The two accused have pleaded not guilty. B. Shanti Sarup admits to have distributed 80 Hindi leaflets containing prejudicial reports to Rameshwar Dass accused and also admits that some Hindi leaflets were found in his possession. He has not reproduced any defence. The other accused Rameshwar Dass also admits that he was called by Shanti Sarup and was given some Hindi leaflets but he says that he did not know what was written in these papers and how many were these in numbers. In his defence he has examined two witnesses who are his teachers. Syed Ali Hasan was his Urdu teacher in Mission School who says that he used to teach Urdu to the accused but he admits that it is necessary for every student to take Urdu Vernacular as First Form. The other witness is B. Budh Sing Nigam, Commerce teacher who comes forward to say that no Vernacular is taught to the accused. The accused Rameshwar Dass did not say so in his statement on the first day that he did not know how to read and write Hindi but on second thought and probably after legal advice he has stated that he does not know how to read and write Hindi. This is a white lie which none could believe. Even if he did not read Hindi except when he had to do it as his Second Form in the School classes, he could easily read and understand the Hindi newspaper "Congress Dhendhora". If Rameshwar Dass accused had no knowledge about this Congress newspaper and he had no consultation with the other accused B. Shanti Sarup from his shop nor he would have taken a few bundles of the newspapers from his co-accused it has been proved that four bundles containing 80 copies were recovered from his possession, and he cannot say that he had taken only one copy to see what was written in it. He is an Intermediate student and I cannot persuade myself to believe that he did not know or could not find whether the papers were blank or what was written on them when the same were handed to him by his co-accused. B. Shanti Sarup admitted to have given leaflets containing prejudicial report to his co-accused, but when he was questioned about his own possession and recovery he stated that he did not know what papers

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were recovered and what were their contents. This is simply absurd. It has clearly been proved that he was carrying a few bundles of "Congress Dhendhora" weekly Hindi paper and was out for distributing them and that he actually distributed some of them, probably for police did not take signatures of the search witnesses on any of the newspaper sheets which they should have, but one of the prosecution witnesses who knows how to read and write Hindi has correctly given some of the contents of the newspaper and also identified them to be the very same. Moreover after having admitted that he distributed Hindi leaflets containing prejudicial reports it does not lie in the mouth of B. Shanti Sarup to say that he was not in possession of "Congress Dhendheora" but of some other papers. Similarly Rameshwar Dass has failed to prove that leaflets other than the Congress Dhendheora or blank sheets of paper were given to him by B. Shanti Sarup. Both the accused are educated and know full well not only how to read and write Hindi but also-Urdu and English. It is idle to argue that B. Shanti Sarup had given him the papers for safe custody assuring him that he will take them back on his return. If B. Shanti Sarup wanted to keep the papers or any other thing for safe custody he could have left his entire bag at the shop of Rameshwar Dass father and it was not necessary to have taken him and his bag secretly. Rameshwar Dass cannot argue that he did not know what the papers were or for what purpose these were given to him. If the police would have given him further time and not arrested him soon after he too would have been found distributing the leaflets. In any case there is nothing on the record to show that the possession was lawful. On the other hand it has satisfactorily been proved that he was found in unlawful possession of the Congress bulletin which contained prejudicide reports. The following extracts of the Congress bulletin of 17.10.42 which was recovered from the possession of both the accused well show how far it contained prejudicial reports:-

"Ab ham swatantra hain, isliye hamari nazron main British hukumat samapt ho chuki hai aur iske koi bhi kanun hampar lagu nahin hain. Inki upma ab un luteron se di ja sakti hai jinhonne Zabardasti hamare gharon main qabza kar liya hai. Kya hamara kartavya nahin hai ki ham luteron ko markar bhagaden." "Ham Sarkar Ko nahin mante". "9 tarikh Daman Divas tha, 23 tarikh (Azadi Divas) ke din avashya 2 ya 3 ghante ki hartal (jaisa Congress adesh kare) rakkhen." In my opinion the charge has been brought home to both the accused and it has been established satisfactorily that B. Shanti Sarup did a prejudicial act and that he as well as Rameshwar Dass were found in unlawful possession of "Congress Dhendheora" Hindi newspaper sheets dated 17.10.42 which contained highly prejudicial matter. Accordingly I find both the accused guilty and convict B. Shanti Sarup under rule 38 (1) (c) (5) and 39 (1) (b) (6) read with rule 34 (7) of the Defence of India Rules framed U/s 2 of the Defence of India Act XXXV of 1939 and sentence him to one year rigorous imprisonment and a fine of Rs. 250/- in default of payment of which he will suffer three months further R.I. Rameshwar Dass is convicted under rules 39 (1) (b) (6) read with rule 34 (7) of the Defence of India Rules and is sentenced to 4 months rigorous imprisonment and a fine of Rs. 500/- in default of payment of which he will serve R.I. for a further period of four months.

The bundles of "Congress Dhendhora" newspaper recovered from the possession of the two accused will on the expiry of the period fixed for filing an appeal or revision be destroyed.

(Sd.) Murari Lal

18/12/42

Dehra Dun — Magistrate 1st Class.

88. JUDGMENT

Zalmoon and Gulab Singh who are residents of Jolly Grant, Police Station Rishikesh have been sent up by the Rishikesh police for trial under rules 34 and 38 of the Defence of India Rules framed U/s 2 of the Defence of India Act XXXV of 1939. It is alleged on behalf of the prosecution that on the 26th day of January, 1943 at mauza Jolly Grant the accused shouted anti-Government slogans while carrying a Congress flag.

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On the 26th day of January, 1943, probably according to the dictates of the Congress. Independence day was observed at various places by the Congress workers. At Mauza Jolly Grant Zalmoon came out with a Congress flag and Gulab Singh accompanied him and shouted anti-Government slogans saying "Government Barbad, Congress Zindabad, Mahatma Gandhi and Jawaharlal ki Jai". Thereupon the police Constable arrested them and took them to the Thana where a report was made. The prosecution has examined two witnesses namely Mustafa Khan, Police Constable and Nawab Khan who sells cloth by moving from village to village. They both are eyewitnesses who saw the accused coming out in the Maidan with a Congress flag in connection with the observance of the Independence Day and reading out the slogans to the villagers. The two accused admit the prosecution allegations but have pleaded not guilty. They have neither made a detailed statement nor have produced any defence. By telling the public "Government barbad and Congress zindabad" the accused caused dissatisfaction and alarm and influenced the conduct of the people in a manner which was prejudicial to the defence of the British India and the successful prosecution of the war. They committed a prejudicial act and rendered themselves liable to punishment under the Defence of India Rules. I find both the accused guilty and convict them under rules 38 (1) (a) (5) read with rule 34 (6) of the Defence of India Rules framed U/s 2 of the Defence of India Act No. XXXV of 1939. Both these accused have previously been convicted which they admit. Gulab Singh was convicted U/r 38/121 D.I. R. on 20/01/41 and was sentenced to one year S.I. and a fine of Rs. 50/- while Zalmoon was convicted U/r 38/121 DIR on 12/03/41 and sentenced to six months R.I. and a fine of Rs. 50/- or in default to undergo 2 month's further R.I. Taking into consideration all these facts and the fact that the accused are persisting in taking part need a deterrent punishment.Therefore I sentence both the accused Zalmoon and Gulab Singh to two years R.I. and fine of Rs. 50/- in default of payment of which they will suffer R.I. for a further period of two months. The flag Ex. 1 will be destroyed on the expiry of the period fixed for filing an appeal or revision.

(Sd.) MURARI LAL

Dehra Dun, 27th Feb., 1993 — 27/2

Spl. Magistrate.

Under Ordinance II of 1942.

89. JUDGMENT

Padam Singh and Badri have been sent up by the Kotwali Police for trial under Rules 34 & 38 of the Defence of India Rules framed under section 2 of the Defence of India Act No. XXXV of 1939. It is alleged on behalf of the prosecution that on 9.1.43 the accused committed a prejudicial act by shouting anti-Government slogans and reading out a prejudicial report which was found in possession of Padam Singh accused.

On 9.2.43 Ali Mohd. and Mazhar Husain, police Constables of the D.I.S. were on duty in plain clothes in Dhamanwala Bazar. At 2.30 p.m. they saw the two accused comming from the side of Railway Station towards Dhamanwala Bazar. Both the accused had Congress flags in their hand and Padam Singh had a Hindi paper which he was reading to the public and both were shouting anti-Government slogans. Thereupon the police Constables arrested the accused and made their search and recovered a prejudicial report from their possession and took them to the Thana Kotwali where a report was made.

The prosecution has examined four witnesses in this case including Ali Mohd. and Mazhar Husain who fully support the prosecution story, identify the Congress flags Ex. I & II and prove the recovery of list Ex. B. Mohd. Ibrahim and Chotey support both these constables on all material points saying that Padam Singh accused had a paper Ex. A in his hand which he was reading and both the accused were shouting anti-Government slogans and saying "Government Barbad-Yeh Government Zalim hai". Padam Singh admits the prosecution allegations but he had pleaded not guilty. He says that he may be released as it was his first offence and promises not to do so in future. Badri also admits the prosecution allegations

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but had pleaded not guilty. He has not made any detailed statement. Either of the accused have not produced any defence. By shouting anti-Government slogans and going out in the bazar reading the pamphlet Ex. A the accused committed a prejudicial act. The following extract of Ex. A will show that it contained highly prejudicial matter :—

"Larai ki sari zimmedar Sarkar zalim Sarkar hai". "British government barbad ho". "Is zalim Sarkar ko mita do". By uttering these slogans the accused promoted feelings of enmity and hatred and influenced the conduct or attitude of the public in a manner which was highly prejudicial to the defence of British India and the efficient prosecution of the War. Padam Singh was found in possession of the Hindi paper Ex. A which contained prejudicial reports as the extracts noted above would show. I find both the accused guilty and convict them under rule 38 (1) (a) (5) read with rule 34 (6) of the Defence of India Rules and sentence them to one year R.I. each and a fine of Rs. 50/-each in default of payment of which they will suffer R.I. for a further period of two months. Padam Singh is further convicted under rule 39 (1) (b) (6) read with rule 34 (7) of the Defence of India Rules and is sentenced to 6 (six) months R.I. and a fine of Rs. 50/- in default of payment of which he will suffer R.I. for a further period of two months. Both these sentences of Padam Singh accused will run consecutively, i.e. one after the other. On the expiry of the period fixed for filing an appeal or revision, if any, the Congress flags Ex. I & II will be destroyed.

(Sd.) MURARI LAL

Dehra Dun 27/2

27.2.43 *Spl. Magistrate.*

Under Ordinance II of 1942.

90. JUDGMENT

Padam Singh and Sen Pal have been sent up by the Rishikesh Police for trial under rule 34 of the Defence of India Rules framed under section 2 of the Defence of India Act No. XXXV of 1939. It is alleged on behalf of the prosecution that on 26th day of January, 1943 the accused came to Mauza Thano in connection with Independence Day celebration and there they shouted anti-Government slogans and read a Partigya Patra.

Babu Shadi Ram Asstt. Sub-Inspector of Police of Thano Rishikesh was deputed at mauza Thana in connection with the arrangement of the Independence Day Celebrations. At about 2 p.m. Padam Singh and Sen Pal Singh accused came to mauza Thano. Sen Pal Singh had a tri-colour Congress flag in his hand and also a Hindi Notice "Swadhinta Divas," the "Pratigya" which he was reading to the village people. His companion Padam Singh was supporting him and both of them were shouting anti-Government slogans. Thereupon the Sub-Inspector arrested the accused, took them to Thana Rishikesh and recorded a report there. Hence this case.

The prosecution has examined only two witnesses in this case including Babu Shadi Ram Asstt. Sub-Inspector of police who proves the pratigya patra Ex. A the recovery list Ex. B and the first information report Ex. C which he recorded at the Thana. Faquire supports the Sub-Inspector on all material points, Identifies the Congress flag Ex. I which was in the hand of Sen Pal Singh and proves the recovery list Ex. B saying that the paper Ex. A was being read by one of the accused and both were shouting Congress slogans, saying, "Government Barbad" "Congress Zindabad". Padam Singh has pleaded not guilty while Sen Pal Singh has neither pleaded guilty nor not guilty. As a matter of fact the only thing he has said is that he does not wish to say anything or to give any reply. Padam Singh admits to have gone to the village to observe the Independence Day and to have committed a prejudicial act in the company of his co-accused yet he says that he did not shout any anti-Government slogans. The accused have not

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produced any defence nor have they alleged any ill will or motive to the prosecution witnesses. As a matter of fact names of them were not known to the witnesses before. The paper Ex. A which was recovered from the possession of Sen Pal Singh contained prejudicial report as the following extract from the paper will show :—

"*..........aur usper zulm kare to use is bat ka bhi adhikar hai ki woh use badal de ya khatam karde."Ham pratigya karte hain ki ham Congress ke asulon aur niti par niam purvak chalenge. Ham apne ko hamesha taiyar rakhenge taki jab kabhi congress azadi ki larai shuru karneka hukm de ham uska swagat kar saken.*"

The accused by reading this paper and by shouting Congress slogan "Government Barbad" influenced the conduct or attitude of the villagers in a manner which was prejudicial to the defence of British India and the efficient prosecution of the war and they also promoted feelings of disaffection and enmity which caused fear and alarm to the public. Thus they committed a prejudicial act and rendered themselves liable to punishment. Padam Singh was once before convicted under Rules 4/38 of the Defence of India Rules on 17.5.41 when he was sentenced to four months R.I. and a fine of Rs. 100/- or in default to undergo further three months R.I. He admits this conviction. Sen Pal Singh is a staunch Congressman whose conduct and behaviour has been objectionable and thus both of them deserve a deterrent punishment. Accordingly I find both the accused guilty and convict them under rule 38 (1) (a) (5) read with 34 (6) of Defence of India Rules and sentence each of them to one year R.I. and a fine of Rs. 30/- in default of payment of which they will suffer further R.I. for a period of two months. Sen Pal Singh is further convicted under Rules 39 (1) (b) (6) read with 34 (7) of Defence of India Rules as the Pratigya Patra Ex. A was found in his possession and he is sentenced to 6 months R.I. and a fine of Rs. 30/- in default of payment of which he will further suffer R.I. for two months. The sentences of Sen Pal Singh will run consecutively. On the expiry of the period fixed for filing an appeal or revision, if any, flag Ex. I will be destroyed.

Dehra Dún. (Sd.) MURARI LAL

Ist March, 1943 *Spl. Magistrate*

1.3.43

91. JUDGMENT

Dharam Singh Rajput of Mauza Langha P.S. Sahaspur and Surat Singh Rajput of Dhakonwali P.C. Cantt. Dehra Dun, have been sent up for trial, by the Sahaspur Police, under rule 38 of the Defence of India Rules framed under Section 2 of the Defence of India Act No. XXXV of 1939. It is alleged on behalf of the prosecution that on the 3rd day of November, 1942 at Mauza Langha the two accused committed a prejudicial act by holding a Congress meeting at the house of Dharam Singh and by lecturing to the people not to pay rent to the zamindar and by telling them to take Sal trees free from the Govenment forests and asking them not to help the Government but to help the Congress.

Darshan Lal Patwari of Benahar Circle reported to the District Authorities on 4.11.42 that Dharam Singh and Surat Singh accused, one Banerjee Vakil and one other boy were holding Congress meetings in Mauza Tauli during the day and in Mauza Langha at night and that they were doing Congress propaganda and asking people not to help the Government and not to pay rents etc. in due course the report reached the police and S.O. Sahaspur registered a case against Dharam Singh accused only on 30.12.42 as Surat Singh had been challanned in one other case from Thana Cantt. But eventually the name of Surat Singh was also added to the charge sheet of the case.

The Prosecution has examined four witnesses in this case including Ch. Hardial Singh, Station Officer of the Sahaspur who probed the first report Ex. A made by the Patwari and explains how this case was challanned against the two accused only. Darshan Lal, Patwari of Mauza Tauli and Langha (Benaher Circle) proves his report dated 4.11.42 Ex. A and says that he attended the meeting at the house of Dharam

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Singh accused when both the accused lectured to the people not to pay cash or batai rents and asked them to take Sal wood free from Government forests. Karan Singh and Inder Singh who were also present in the meeting fully support the Patwari.

The two accused have pleaded not guilty and deny the prosecution allegations. Surat Singh says that his name has been reported by the Patwari out of ill will as he had reported to the authorities against Ratan Lal Patwari who is brother of Darshan Lal. He further says that karam Singh and Inder Singh witnesses also bear ill will against him as he has caught them while taking wood from his forest while Dharam Singh says that he has been ill for the last 5 months and that the Patwari reported against him as he could not pay him Rs. 5/- which the Patwari asked from him. He further says that the Congress meeting was held that day at the house of Padam Dutt in Mauza Langha, but he did not attend it as he was down with high fever. Dharam Singh has not produced any defence, but Surat Singh has examined three witnesses. Narain Singh and Nain Singh of Badshahi Bagh have stated that Surat Singh had come to their village only six months ago for buying forests, but they cannot give the date or even the month. The third witness is Bhagoo Singh and he says that he did not see any Langha people in Dhalai jungle when he was working last year. Thus the defence witnessess do not help or support Surat Singh's theory at all. The accused has failed to prove any ill will either against the Patwari or the other two witnesses . It is admitted by Dharam Singh that there was a Congress meeting that day at the house of some other person in Mauza Langha but he says he did not attend it. His presence has been proved by three prosecution witnesses against whom no ill will or motive has been proved. The two accused not only attended the meeting but they did tell people not to help the Government and not to pay rent to the zamindar and to take timber from Government forests free. Thus they expanded the Congress policy and did propaganda of the Congress by creating disaffection, and causing fear and alarm to the public and by trying to encourage the people to refuse or defer payment of rent. They also influenced the conduct or attitude of the public in a manner likely to be prejudicial to the defence of British India or to the effecient prosecution of the war by telling people not to help the Government. I find the charge fully proved against both the accused and convict them under rule 38 (1) (a) (5) read with rule 34 (6) (j) (k) of the Defence of India Rules framed under Section 2 of the Defence of India Act No. XXXV of 1939. Surat singh and Dharam Singh are sentenced to twelve months R.I. and a fine of Rs. 50/- (Fifty) only, in default of payment of fine they will suffer two months further R.I. In the case of surat singh who is already undergoing imprisonment. This sentence will commence on the expiration of the previous sentence.

Dehra Dun,

(Sd.) MURARI LAL

27.3.43

Special Magistrate.

Under Ordinance II of 1922.

92. JUDGMENT

Bhuria Rajput of Mauza Barkot have been sent up by the Rishikesh Police for trial under rules 34 and 38 of the Defence of India rules framed under Section 2 of the Defence of India Act No. 35. On 24th day of June, 1943 the accused offered Satyagrah at Mauza Nahin Kalan by shouting anti-war slogans.

On 21st, June, 1943, the accused sent an intimation to the District Magistrate expressing his intention of offering Satyagrah on the 24th June and also wrote in his letter the slogan which he was going to recite. On receipt of this information Rishikesh Police reached Mauza Nahin Kalan and Fatehyab Khan, Head Constable of Ranipokhri Police outpost saw the accused offering Satyagrah by shouting the "*madad dena haram hai, hamare liye to yahi hai ki Ahinsatak Satyagrah ke zarea har hathiarband larai ka virodh karen*".

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He has indentified the accused saying that he proceeded to the spot on receipt of letter Ex. A and that there was a crowd of thirty or forty people where the accused recited the above slogans. The other witness is Ch. Hukam Singh S.O. of Rishikesh who has proved the letter Ex. A on which he made an endorsement after registering a case at the Thana. The accused admits the prosecution allegation and has pleaded guilty. He also admits his signatures on the letter Ex. A which he sent to the District Magistrate intimating his intention of offering Satyagrah. By asking the people not to help the Government with men and money the accused influenced the conduct of the people in a manner which was prejudicial to the Defence of British India and the successful prosecution of the war and thereby he committed a prejudicial act. Accordingly I find the accused guilty and convict him under rule 34 (6) (k) read with 38 (1) (a) (5) of the Defence of India Rules framed under Section 2 of the Defence of India Act and sentence him to four months R.I. and a fine of Rs. 30/- in default of payment of which he will suffer further R.I. of one month.

Dehra Dun, (Sd.) MURARI LAL

17.8.43 *Magistrate Ist Class*

17.8.43

93. JUDGEMENT

Musammat Shiama Devi, a previous convict under the D.O.I.R. stands charged before me u/rule 38 (1) (a) (5) read with 34 (6) (g) of the D.O.I.R. for committing prejudicial act on 9.8.43 near Darshani Gate at 9.15 a.m. by crying slogans "Government Barbad" and by trying to hoist a Congress flag there.

From the prosecution side M. Jamilur Rahaman assistant S.I. police stated that he was on duty at Darshani Gate on 9.8.43 at 9.15 a.m. when the accused came and brought out a Congress flag and wanted to hoist that with a stick and cried slogan of "Government Barbad". The flag was Ex. I. He arrested the accused and took possession of the flag and prepared its Fard Ex. P I and sent his report Ex. P II with the accused in the custody of keshwanand, Constable to Kotwali. Hari Singh an independent witness fully corroborated the statement of the P.W.1. Keshwanand, Constable also corroborated the statement of the prosecution witness and also stated that he took the accused in tonga to kotwali and on the way also she cried slogan against Government as "Government Barbad".

The accused pleads not guilty and state that she wanted to hoist the congress flag and was reading Bande Matram. She admitted her previous conviction U/D.O.I.R.

She did not corss examine any P. witnesses nor gave any defence. Her solitary statement is not supported and proved. I do not find any reason to disbelieve independent witness Hari Singh who fully supports the other prosecution witnesses. I am convinced that the accused did commit prejudicial act by crying slogans against the Government and is guilty of that. I convict the accused u/r 38 (1) (a) (5) of the D.O.I.R., sentence to six months R.I. and to pay a fine of Rs. 50/- only in default 2 months R.I. more.

(Sd.) ILLEGIBLE

Magistrate Ist Class

25.8.43

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ANNEXURE

REGIONAL ARCHIVES DEHRA DUN

The Regional Archives, Dehra Dun was established in 1980 in a rented building at 44/3, E.C. Road, Dehra Dun. Km. Rekha Trivedi took over charge as Regional Archives Officer on 19th March, 1980 and continued till 13th October, 1986. On January 1, 1987 Sri M.I. Siddiqui took over charge as the Regional Archives Officer and continued till May 1989. From 20th July, 1989 Dr. Om Prakash joined as the Regional Archives Officer after being selected by the U.P. Public Service Commission and has been continuing on the post.

The Regional Archives, Dehra Dun has transferred to its repository the records of the Collectorates of Dehra Dun, Pauri Garhwal and Tehri Garhwal and occupy a shelf space of 120 meters and consist of files and volumes. The volumes are of the Pre-mutiny records of Dehra Dun Collectorate belonging to the period from 1816 to 1859 whereas the files of the post mutiny record series belong to the period from 1858 to 1901. The records relating to Freedom Movements comprise the files belonging to the period from 1923 to 1943. The rest of the records are Departmentwise and cover the period from 1901 to 1951.

The Pauri Garhwal records are of Pre-mutiny period (1814-1860) and comprise volumes. The Tehri Garhwal records are of the period from 1939 to 1949 and are actually the Tehri Garhwal State records.

<u>Collectorate. DehraDun</u>	
Pre-mutiny Records	1816-1859
Post mutiny Records	1858-1951
Freedom Movement Records	1923-1943
Departmental Records	1901-1951
<u>Collectrate. Pauri Garhwal</u>	
Pre-mutiny Records	1814-1860
<u>Collectorate. Tehri Garhwal</u>	
Tehri State Records	1939 -1949

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